

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Article 1.

5 Section 5. The Criminal Code of 1961 is amended by adding
6 headings for Subdivisions 1, 5, 10, 15, 20, and 25 of Article
7 12, by adding Sections 12-0.1 and 12-4.4a, by changing Sections
8 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-4.5, 12-5, 12-5.1,
9 12-5.2, 12-5.5, 12-6, 12-6.2, 12-6.4, 12-7, 12-7.1, 12-7.3,
10 12-7.4, 12-7.5, 12-7.6, 12-9, 12-10.2, 12-20, 12-20.5, 12-32,
11 12-33, 12-34, and 12-35, and by changing and renumbering
12 Sections 12-2.5, 12-2.6, 12-4, 12-5.15, 12-6.1, 12-6.3,
13 12-16.2, 12-30, 12-31, 45-1, and 45-2 as follows:

14 (720 ILCS 5/Art. 12, Subdiv. 1 heading new)

15 SUBDIVISION 1. DEFINITIONS

16 (720 ILCS 5/12-0.1 new)

17 Sec. 12-0.1. Definitions. In this Article, unless the
18 context clearly requires otherwise:

19 "Bona fide labor dispute" means any controversy concerning
20 wages, salaries, hours, working conditions, or benefits,
21 including health and welfare, sick leave, insurance, and

1 pension or retirement provisions, the making or maintaining of
2 collective bargaining agreements, and the terms to be included
3 in those agreements.

4 "Coach" means a person recognized as a coach by the
5 sanctioning authority that conducts an athletic contest.

6 "Correctional institution employee" means a person
7 employed by a penal institution.

8 "Emergency medical technician" includes a paramedic,
9 ambulance driver, first aid worker, hospital worker, or other
10 medical assistance worker.

11 "Family or household members" include spouses, former
12 spouses, parents, children, stepchildren, and other persons
13 related by blood or by present or prior marriage, persons who
14 share or formerly shared a common dwelling, persons who have or
15 allegedly have a child in common, persons who share or
16 allegedly share a blood relationship through a child, persons
17 who have or have had a dating or engagement relationship,
18 persons with disabilities and their personal assistants, and
19 caregivers as defined in Section 12-4.4a of this Code. For
20 purposes of this Article, neither a casual acquaintanceship nor
21 ordinary fraternization between 2 individuals in business or
22 social contexts shall be deemed to constitute a dating
23 relationship.

24 "In the presence of a child" means in the physical presence
25 of a child or knowing or having reason to know that a child is
26 present and may see or hear an act constituting an offense.

1 "Park district employee" means a supervisor, director,
2 instructor, or other person employed by a park district.

3 "Physically handicapped person" means a person who suffers
4 from a permanent and disabling physical characteristic,
5 resulting from disease, injury, functional disorder, or
6 congenital condition.

7 "Private security officer" means a registered employee of a
8 private security contractor agency under the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004.

11 "Probation officer" means a person as defined in the
12 Probation and Probation Officers Act.

13 "Sports official" means a person at an athletic contest who
14 enforces the rules of the contest, such as an umpire or
15 referee.

16 "Sports venue" means a publicly or privately owned sports
17 or entertainment arena, stadium, community or convention hall,
18 special event center, or amusement facility, or a special event
19 center in a public park, during the 12 hours before or after
20 the sanctioned sporting event.

21 "Streetgang", "streetgang member", and "criminal street
22 gang" have the meanings ascribed to those terms in Section 10
23 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

24 "Transit employee" means a driver, operator, or employee of
25 any transportation facility or system engaged in the business
26 of transporting the public for hire.

1 "Transit passenger" means a passenger of any
2 transportation facility or system engaged in the business of
3 transporting the public for hire, including a passenger using
4 any area designated by a transportation facility or system as a
5 vehicle boarding, departure, or transfer location.

6 "Utility worker" means any of the following:

7 (1) A person employed by a public utility as defined in
8 Section 3-105 of the Public Utilities Act.

9 (2) An employee of a municipally owned utility.

10 (3) An employee of a cable television company.

11 (4) An employee of an electric cooperative as defined
12 in Section 3-119 of the Public Utilities Act.

13 (5) An independent contractor or an employee of an
14 independent contractor working on behalf of a cable
15 television company, public utility, municipally owned
16 utility, or electric cooperative.

17 (6) An employee of a telecommunications carrier as
18 defined in Section 13-202 of the Public Utilities Act, or
19 an independent contractor or an employee of an independent
20 contractor working on behalf of a telecommunications
21 carrier.

22 (7) An employee of a telephone or telecommunications
23 cooperative as defined in Section 13-212 of the Public
24 Utilities Act, or an independent contractor or an employee
25 of an independent contractor working on behalf of a
26 telephone or telecommunications cooperative.

1 (720 ILCS 5/Art. 12, Subdiv. 5 heading new)

2 SUBDIVISION 5. ASSAULT AND BATTERY

3 (720 ILCS 5/12-1) (from Ch. 38, par. 12-1)

4 Sec. 12-1. Assault.

5 (a) A person commits an assault when, without lawful
6 authority, he or she knowingly engages in conduct which places
7 another in reasonable apprehension of receiving a battery.

8 (b) Sentence. Assault is a Class C misdemeanor.

9 (c) In addition to any other sentence that may be imposed,
10 a court shall order any person convicted of assault to perform
11 community service for not less than 30 and not more than 120
12 hours, if community service is available in the jurisdiction
13 and is funded and approved by the county board of the county
14 where the offense was committed. In addition, whenever any
15 person is placed on supervision for an alleged offense under
16 this Section, the supervision shall be conditioned upon the
17 performance of the community service.

18 This subsection does not apply when the court imposes a
19 sentence of incarceration.

20 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

21 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

22 Sec. 12-2. Aggravated assault.

23 (a) Offense based on location of conduct. A person commits

1 aggravated assault when he or she commits an assault against an
2 individual who is on or about a public way, public property, a
3 public place of accommodation or amusement, or a sports venue.

4 (b) Offense based on status of victim. A person commits
5 aggravated assault when, in committing an assault, he or she
6 knows the individual assaulted to be any of the following:

7 (1) A physically handicapped person or a person 60
8 years of age or older and the assault is without legal
9 justification.

10 (2) A teacher or school employee upon school grounds or
11 grounds adjacent to a school or in any part of a building
12 used for school purposes.

13 (3) A park district employee upon park grounds or
14 grounds adjacent to a park or in any part of a building
15 used for park purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, emergency management
18 worker, emergency medical technician, or utility worker:

19 (i) performing his or her official duties;

20 (ii) assaulted to prevent performance of his or her
21 official duties; or

22 (iii) assaulted in retaliation for performing his
23 or her official duties.

24 (5) A correctional officer or probation officer:

25 (i) performing his or her official duties;

26 (ii) assaulted to prevent performance of his or her

1 official duties; or

2 (iii) assaulted in retaliation for performing his
3 or her official duties.

4 (6) A correctional institution employee, Department of
5 Human Services employee, Department of Human Services
6 officer or employee of a subcontractor of the Department of
7 Human Services supervising or controlling sexually
8 dangerous persons or sexually violent persons:

9 (i) performing his or her official duties;

10 (ii) assaulted to prevent performance of his or her
11 official duties; or

12 (iii) assaulted in retaliation for performing his
13 or her official duties.

14 (7) An employee of the State of Illinois, a municipal
15 corporation therein, or a political subdivision thereof,
16 performing his or her official duties.

17 (8) A transit employee performing his or her official
18 duties, or a transit passenger.

19 (9) A sports official or coach actively participating
20 in any level of athletic competition within a sports venue,
21 on an indoor playing field or outdoor playing field, or
22 within the immediate vicinity of such a facility or field.

23 (c) Offense based on use of firearm, device, or motor
24 vehicle. A person commits aggravated assault when, in
25 committing an assault, he or she does any of the following:

26 (1) Uses a deadly weapon, an air rifle as defined in

1 the Air Rifle Act, or any device manufactured and designed
2 to be substantially similar in appearance to a firearm,
3 other than by discharging a firearm.

4 (2) Discharges a firearm, other than from a motor
5 vehicle.

6 (3) Discharges a firearm from a motor vehicle.

7 (4) Wears a hood, robe, or mask to conceal his or her
8 identity.

9 (5) Knowingly and without lawful justification shines
10 or flashes a laser gun sight or other laser device attached
11 to a firearm, or used in concert with a firearm, so that
12 the laser beam strikes near or in the immediate vicinity of
13 any person.

14 (6) Uses a firearm, other than by discharging the
15 firearm, against a peace officer, community policing
16 volunteer, fireman, private security officer, emergency
17 management worker, emergency medical technician, employee
18 of a police department, employee of a sheriff's department,
19 or traffic control municipal employee:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or her
22 official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (7) Without justification operates a motor vehicle in a
26 manner which places a person, other than a person listed in

1 subdivision (b) (4), in reasonable apprehension of being
2 struck by the moving motor vehicle.

3 (8) Without justification operates a motor vehicle in a
4 manner which places a person listed in subdivision (b) (4),
5 in reasonable apprehension of being struck by the moving
6 motor vehicle.

7 (d) Sentence. Aggravated assault as defined in subdivision
8 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
9 (c) (1), or (c) (4) is a Class A misdemeanor, except that
10 aggravated assault as defined in subdivision (b) (4) and (b) (7)
11 is a Class 4 felony if a Category I, Category II, or Category
12 III weapon is used in the commission of the assault. Aggravated
13 assault as defined in subdivision (b) (5), (b) (6), (c) (2),
14 (c) (5), (c) (6), or (c) (7) is a Class 4 felony. Aggravated
15 assault as defined in subdivision (c) (3) or (c) (8) is a Class 3
16 felony.

17 (e) For the purposes of this Section, "Category I weapon",
18 "Category II weapon, and "Category III weapon" have the
19 meanings ascribed to those terms in Section 33A-1 of this Code.

20 ~~(a) A person commits an aggravated assault, when, in~~
21 ~~committing an assault, he:~~

22 ~~(1) Uses a deadly weapon, an air rifle as defined in~~
23 ~~the Air Rifle Act, or any device manufactured and designed~~
24 ~~to be substantially similar in appearance to a firearm,~~
25 ~~other than by discharging a firearm in the direction of~~
26 ~~another person, a peace officer, a person summoned or~~

1 ~~directed by a peace officer, a correctional officer, a~~
2 ~~private security officer, or a fireman or in the direction~~
3 ~~of a vehicle occupied by another person, a peace officer, a~~
4 ~~person summoned or directed by a peace officer, a~~
5 ~~correctional officer, a private security officer, or a~~
6 ~~fireman while the officer or fireman is engaged in the~~
7 ~~execution of any of his official duties, or to prevent the~~
8 ~~officer or fireman from performing his official duties, or~~
9 ~~in retaliation for the officer or fireman performing his~~
10 ~~official duties;~~

11 ~~(2) Is hooded, robed or masked in such manner as to~~
12 ~~conceal his identity or any device manufactured and~~
13 ~~designed to be substantially similar in appearance to a~~
14 ~~firearm;~~

15 ~~(3) Knows the individual assaulted to be a teacher or~~
16 ~~other person employed in any school and such teacher or~~
17 ~~other employee is upon the grounds of a school or grounds~~
18 ~~adjacent thereto, or is in any part of a building used for~~
19 ~~school purposes;~~

20 ~~(4) Knows the individual assaulted to be a supervisor,~~
21 ~~director, instructor or other person employed in any park~~
22 ~~district and such supervisor, director, instructor or~~
23 ~~other employee is upon the grounds of the park or grounds~~
24 ~~adjacent thereto, or is in any part of a building used for~~
25 ~~park purposes;~~

26 ~~(5) Knows the individual assaulted to be a caseworker,~~

1 ~~investigator, or other person employed by the Department of~~
2 ~~Healthcare and Family Services (formerly State Department~~
3 ~~of Public Aid), a County Department of Public Aid, or the~~
4 ~~Department of Human Services (acting as successor to the~~
5 ~~Illinois Department of Public Aid under the Department of~~
6 ~~Human Services Act) and such caseworker, investigator, or~~
7 ~~other person is upon the grounds of a public aid office or~~
8 ~~grounds adjacent thereto, or is in any part of a building~~
9 ~~used for public aid purposes, or upon the grounds of a home~~
10 ~~of a public aid applicant, recipient or any other person~~
11 ~~being interviewed or investigated in the employee's~~
12 ~~discharge of his duties, or on grounds adjacent thereto, or~~
13 ~~is in any part of a building in which the applicant,~~
14 ~~recipient, or other such person resides or is located;~~

15 ~~(6) Knows the individual assaulted to be a peace~~
16 ~~officer, a community policing volunteer, a private~~
17 ~~security officer, or a fireman while the officer or fireman~~
18 ~~is engaged in the execution of any of his official duties,~~
19 ~~or to prevent the officer, community policing volunteer, or~~
20 ~~fireman from performing his official duties, or in~~
21 ~~retaliation for the officer, community policing volunteer,~~
22 ~~or fireman performing his official duties, and the assault~~
23 ~~is committed other than by the discharge of a firearm in~~
24 ~~the direction of the officer or fireman or in the direction~~
25 ~~of a vehicle occupied by the officer or fireman;~~

26 ~~(7) Knows the individual assaulted to be an emergency~~

1 ~~medical technician ambulance, emergency medical~~
2 ~~technician intermediate, emergency medical technician~~
3 ~~paramedic, ambulance driver or other medical assistance or~~
4 ~~first aid personnel engaged in the execution of any of his~~
5 ~~official duties, or to prevent the emergency medical~~
6 ~~technician ambulance, emergency medical technician~~
7 ~~intermediate, emergency medical technician paramedic,~~
8 ~~ambulance driver, or other medical assistance or first aid~~
9 ~~personnel from performing his official duties, or in~~
10 ~~retaliation for the emergency medical technician~~
11 ~~ambulance, emergency medical technician intermediate,~~
12 ~~emergency medical technician paramedic, ambulance~~
13 ~~driver, or other medical assistance or first aid personnel~~
14 ~~performing his official duties;~~

15 ~~(8) Knows the individual assaulted to be the driver,~~
16 ~~operator, employee or passenger of any transportation~~
17 ~~facility or system engaged in the business of~~
18 ~~transportation of the public for hire and the individual~~
19 ~~assaulted is then performing in such capacity or then using~~
20 ~~such public transportation as a passenger or using any area~~
21 ~~of any description designated by the transportation~~
22 ~~facility or system as a vehicle boarding, departure, or~~
23 ~~transfer location;~~

24 ~~(9) Or the individual assaulted is on or about a public~~
25 ~~way, public property, or public place of accommodation or~~
26 ~~amusement;~~

1 ~~(9.5) Is, or the individual assaulted is, in or about a~~
2 ~~publicly or privately owned sports or entertainment arena,~~
3 ~~stadium, community or convention hall, special event~~
4 ~~center, amusement facility, or a special event center in a~~
5 ~~public park during any 24 hour period when a professional~~
6 ~~sporting event, National Collegiate Athletic Association~~
7 ~~(NCAA) sanctioned sporting event, United States Olympic~~
8 ~~Committee sanctioned sporting event, or International~~
9 ~~Olympic Committee sanctioned sporting event is taking~~
10 ~~place in this venue;~~

11 ~~(10) Knows the individual assaulted to be an employee~~
12 ~~of the State of Illinois, a municipal corporation therein~~
13 ~~or a political subdivision thereof, engaged in the~~
14 ~~performance of his authorized duties as such employee;~~

15 ~~(11) Knowingly and without legal justification,~~
16 ~~commits an assault on a physically handicapped person;~~

17 ~~(12) Knowingly and without legal justification,~~
18 ~~commits an assault on a person 60 years of age or older;~~

19 ~~(13) Discharges a firearm, other than from a motor~~
20 ~~vehicle;~~

21 ~~(13.5) Discharges a firearm from a motor vehicle;~~

22 ~~(14) Knows the individual assaulted to be a~~
23 ~~correctional officer, while the officer is engaged in the~~
24 ~~execution of any of his or her official duties, or to~~
25 ~~prevent the officer from performing his or her official~~
26 ~~duties, or in retaliation for the officer performing his or~~

1 ~~her official duties;~~

2 ~~(14.5) Knows the individual assaulted to be a probation~~
3 ~~officer, as defined in the Probation and Probation Officers~~
4 ~~Act, while the officer is engaged in the execution of any~~
5 ~~of his or her official duties, or to prevent the officer~~
6 ~~from performing his or her official duties, or in~~
7 ~~retaliation for the officer performing his or her official~~
8 ~~duties;~~

9 ~~(15) Knows the individual assaulted to be a~~
10 ~~correctional employee or an employee or officer of the~~
11 ~~Department of Human Services supervising or controlling~~
12 ~~sexually dangerous persons or sexually violent persons, or~~
13 ~~an employee of a subcontractor of the Department of Human~~
14 ~~Services supervising or controlling sexually dangerous~~
15 ~~persons or sexually violent persons, while the employee or~~
16 ~~officer is engaged in the execution of any of his or her~~
17 ~~official duties, or to prevent the employee or officer from~~
18 ~~performing his or her official duties, or in retaliation~~
19 ~~for the employee or officer performing his or her official~~
20 ~~duties, and the assault is committed other than by the~~
21 ~~discharge of a firearm in the direction of the employee or~~
22 ~~officer or in the direction of a vehicle occupied by the~~
23 ~~employee or officer;~~

24 ~~(16) Knows the individual assaulted to be an employee~~
25 ~~of a police or sheriff's department, or a person who is~~
26 ~~employed by a municipality and whose duties include traffic~~

1 ~~control, engaged in the performance of his or her official~~
2 ~~duties as such employee;~~

3 ~~(17) Knows the individual assaulted to be a sports~~
4 ~~official or coach at any level of competition and the act~~
5 ~~causing the assault to the sports official or coach~~
6 ~~occurred within an athletic facility or an indoor or~~
7 ~~outdoor playing field or within the immediate vicinity of~~
8 ~~the athletic facility or an indoor or outdoor playing field~~
9 ~~at which the sports official or coach was an active~~
10 ~~participant in the athletic contest held at the athletic~~
11 ~~facility. For the purposes of this paragraph (17), "sports~~
12 ~~official" means a person at an athletic contest who~~
13 ~~enforces the rules of the contest, such as an umpire or~~
14 ~~referee; and "coach" means a person recognized as a coach~~
15 ~~by the sanctioning authority that conducted the athletic~~
16 ~~contest;~~

17 ~~(18) Knows the individual assaulted to be an emergency~~
18 ~~management worker, while the emergency management worker~~
19 ~~is engaged in the execution of any of his or her official~~
20 ~~duties, or to prevent the emergency management worker from~~
21 ~~performing his or her official duties, or in retaliation~~
22 ~~for the emergency management worker performing his or her~~
23 ~~official duties, and the assault is committed other than by~~
24 ~~the discharge of a firearm in the direction of the~~
25 ~~emergency management worker or in the direction of a~~
26 ~~vehicle occupied by the emergency management worker; or~~

~~(19) Knows the individual assaulted to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties. In this paragraph (19), "utility worker" means a person employed by a public utility as defined in Section 3-105 of the Public Utilities Act and also includes an employee of a municipally owned utility, an employee of a cable television company, an employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or telecommunications cooperative.~~

~~(a-5) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a~~

1 ~~laser gunsight or other laser device that is attached or~~
2 ~~affixed to a firearm, or used in concert with a firearm, so~~
3 ~~that the laser beam strikes near or in the immediate vicinity~~
4 ~~of any person.~~

5 ~~(a 10) A person commits an aggravated assault when he or~~
6 ~~she knowingly and without justification operates a motor~~
7 ~~vehicle in a manner which places a person in reasonable~~
8 ~~apprehension of being struck by a moving vehicle.~~

9 ~~(b) Sentence.~~

10 ~~Aggravated assault as defined in paragraphs (1) through (5)~~
11 ~~and (8) through (12) and (17) and (19) of subsection (a) of~~
12 ~~this Section is a Class A misdemeanor. Aggravated assault as~~
13 ~~defined in paragraphs (13), (14), (14.5), and (15) of~~
14 ~~subsection (a) of this Section and as defined in subsection~~
15 ~~(a 5) or (a 10) of this Section is a Class 4 felony. Aggravated~~
16 ~~assault as defined in paragraphs (6) and (16) of subsection (a)~~
17 ~~of this Section is a Class A misdemeanor if a Category I,~~
18 ~~Category II, or Category III weapon is not used in the~~
19 ~~commission of the assault. Aggravated assault as defined in~~
20 ~~paragraphs (6) and (16) of subsection (a) of this Section is a~~
21 ~~Class 4 felony if a Category I, Category II, or Category III~~
22 ~~weapon is used in the commission of the assault. Aggravated~~
23 ~~assault as defined in paragraphs (7) and (18) of subsection (a)~~
24 ~~of this Section is a Class A misdemeanor if a firearm is not~~
25 ~~used in the commission of the assault. Aggravated assault as~~
26 ~~defined in paragraphs (7) and (18) of subsection (a) of this~~

1 ~~Section is a Class 4 felony if a firearm is used in the~~
2 ~~commission of the assault. Aggravated assault as defined in~~
3 ~~subsection (a-10) where the victim was a person defined in~~
4 ~~paragraph (6) or paragraph (13.5) of subsection (a) is a Class~~
5 ~~3 felony. For the purposes of this subsection (b), "Category I~~
6 ~~weapon", "Category II weapon", and "Category III weapon" have~~
7 ~~the meanings ascribed to those terms in subsection (c) of~~
8 ~~Section 33A-1 of this Code.~~

9 ~~(c) For the purposes of paragraphs (1) and (6) of~~
10 ~~subsection (a), "private security officer" means a registered~~
11 ~~employee of a private security contractor agency under the~~
12 ~~Private Detective, Private Alarm, Private Security,~~
13 ~~Fingerprint Vendor, and Locksmith Act of 2004.~~

14 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;
15 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.
16 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000,
17 eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10;
18 revised 9-16-10.)

19 (720 ILCS 5/12-3) (from Ch. 38, par. 12-3)

20 Sec. 12-3. Battery.

21 (a) A person commits battery if he or she ~~intentionally or~~
22 knowingly without legal justification ~~and~~ by any means, (1)
23 causes bodily harm to an individual or (2) makes physical
24 contact of an insulting or provoking nature with an individual.

25 (b) Sentence.

1 Battery is a Class A misdemeanor.

2 (Source: P.A. 77-2638.)

3 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

4 Sec. 12-3.05 ~~12-4~~. Aggravated battery ~~Battery~~.

5 (a) Offense based on injury. A person commits aggravated
6 battery when, in committing a battery, other than by the
7 discharge of a firearm, he or she knowingly does any of the
8 following:

9 (1) Causes great bodily harm or permanent disability or
10 disfigurement.

11 (2) Causes severe and permanent disability, great
12 bodily harm, or disfigurement by means of a caustic or
13 flammable substance, a poisonous gas, a deadly biological
14 or chemical contaminant or agent, a radioactive substance,
15 or a bomb or explosive compound.

16 (3) Causes great bodily harm or permanent disability or
17 disfigurement to an individual whom the person knows to be
18 a peace officer, community policing volunteer, fireman,
19 private security officer, correctional institution
20 employee, or Department of Human Services employee
21 supervising or controlling sexually dangerous persons or
22 sexually violent persons:

23 (i) performing his or her official duties;

24 (ii) battered to prevent performance of his or her
25 official duties; or

1 (iii) battered in retaliation for performing his
2 or her official duties.

3 (4) Causes great bodily harm or permanent disability or
4 disfigurement to an individual 60 years of age or older.

5 (5) Strangles another individual.

6 (b) Offense based on injury to a child or mentally retarded
7 person. A person who is at least 18 years of age commits
8 aggravated battery when, in committing a battery, he or she
9 knowingly and without legal justification by any means:

10 (1) causes great bodily harm or permanent disability or
11 disfigurement to any child under the age of 13 years, or to
12 any severely or profoundly mentally retarded person; or

13 (2) causes bodily harm or disability or disfigurement
14 to any child under the age of 13 years or to any severely
15 or profoundly mentally retarded person.

16 (c) Offense based on location of conduct. A person commits
17 aggravated battery when, in committing a battery, other than by
18 the discharge of a firearm, he or she is or the person battered
19 is on or about a public way, public property, a public place of
20 accommodation or amusement, a sports venue, or a domestic
21 violence shelter.

22 (d) Offense based on status of victim. A person commits
23 aggravated battery when, in committing a battery, other than by
24 discharge of a firearm, he or she knows the individual battered
25 to be any of the following:

26 (1) A person 60 years of age or older.

1 (2) A person who is pregnant or physically handicapped.

2 (3) A teacher or school employee upon school grounds or
3 grounds adjacent to a school or in any part of a building
4 used for school purposes.

5 (4) A peace officer, community policing volunteer,
6 fireman, private security officer, correctional
7 institution employee, or Department of Human Services
8 employee supervising or controlling sexually dangerous
9 persons or sexually violent persons:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (5) A judge, emergency management worker, emergency
16 medical technician, or utility worker:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (6) An officer or employee of the State of Illinois, a
23 unit of local government, or a school district, while
24 performing his or her official duties.

25 (7) A transit employee performing his or her official
26 duties, or a transit passenger.

1 (8) A taxi driver on duty.

2 (9) A merchant who detains the person for an alleged
3 commission of retail theft under Section 16A-5 of this Code
4 and the person without legal justification by any means
5 causes bodily harm to the merchant.

6 (e) Offense based on use of a firearm. A person commits
7 aggravated battery when, in committing a battery, he or she
8 knowingly does any of the following:

9 (1) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 another person.

12 (2) Discharges a firearm, other than a machine gun or a
13 firearm equipped with a silencer, and causes any injury to
14 a person he or she knows to be a peace officer, community
15 policing volunteer, person summoned by a police officer,
16 fireman, private security officer, correctional
17 institution employee, or emergency management worker:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (3) Discharges a firearm, other than a machine gun or a
24 firearm equipped with a silencer, and causes any injury to
25 a person he or she knows to be an emergency medical
26 technician employed by a municipality or other

1 governmental unit:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (4) Discharges a firearm and causes any injury to a
8 person he or she knows to be a teacher, a student in a
9 school, or a school employee, and the teacher, student, or
10 employee is upon school grounds or grounds adjacent to a
11 school or in any part of a building used for school
12 purposes.

13 (5) Discharges a machine gun or a firearm equipped with
14 a silencer, and causes any injury to another person.

15 (6) Discharges a machine gun or a firearm equipped with
16 a silencer, and causes any injury to a person he or she
17 knows to be a peace officer, community policing volunteer,
18 person summoned by a police officer, fireman, private
19 security officer, correctional institution employee or
20 emergency management worker:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (7) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she
2 knows to be an emergency medical technician employed by a
3 municipality or other governmental unit:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (8) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be a teacher, or a student in a school, or a
12 school employee, and the teacher, student, or employee is
13 upon school grounds or grounds adjacent to a school or in
14 any part of a building used for school purposes.

15 (f) Offense based on use of a weapon or device. A person
16 commits aggravated battery when, in committing a battery, he or
17 she does any of the following:

18 (1) Uses a deadly weapon other than by discharge of a
19 firearm, or uses an air rifle as defined in the Air Rifle
20 Act.

21 (2) Wears a hood, robe, or mask to conceal his or her
22 identity.

23 (3) Knowingly and without lawful justification shines
24 or flashes a laser gunsight or other laser device attached
25 to a firearm, or used in concert with a firearm, so that
26 the laser beam strikes upon or against the person of

1 another.

2 (g) Offense based on certain conduct. A person commits
3 aggravated battery when, other than by discharge of a firearm,
4 he or she does any of the following:

5 (1) Violates Section 401 of the Illinois Controlled
6 Substances Act by unlawfully delivering a controlled
7 substance to another and any user experiences great bodily
8 harm or permanent disability as a result of the injection,
9 inhalation, or ingestion of any amount of the controlled
10 substance.

11 (2) Knowingly administers to an individual or causes
12 him or her to take, without his or her consent or by threat
13 or deception, and for other than medical purposes, any
14 intoxicating, poisonous, stupefying, narcotic, anesthetic,
15 or controlled substance, or gives to another person any
16 food containing any substance or object intended to cause
17 physical injury if eaten.

18 (3) Knowingly causes or attempts to cause a
19 correctional institution employee or Department of Human
20 Services employee to come into contact with blood, seminal
21 fluid, urine, or feces by throwing, tossing, or expelling
22 the fluid or material, and the person is an inmate of a
23 penal institution or is a sexually dangerous person or
24 sexually violent person in the custody of the Department of
25 Human Services.

26 (h) Sentence. Unless otherwise provided, aggravated

1 battery is a Class 3 felony.

2 Aggravated battery as defined in subdivision (a)(4),
3 (d)(4), or (g)(3) is a Class 2 felony.

4 Aggravated battery as defined in subdivision (a)(3) or
5 (g)(1) is a Class 1 felony.

6 Aggravated battery under subdivision (a)(5) is a Class 1
7 felony if:

8 (A) the person used or attempted to use a dangerous
9 instrument while committing the offense; or

10 (B) the person caused great bodily harm or permanent
11 disability or disfigurement to the other person while
12 committing the offense; or

13 (C) the person has been previously convicted of a
14 violation of subdivision (a)(5) under the laws of this
15 State or laws similar to subdivision (a)(5) of any other
16 state.

17 Aggravated battery as defined in subdivision (e)(1) is a
18 Class X felony.

19 Aggravated battery as defined in subdivision (a)(2) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 6 years and a maximum of 45
22 years.

23 Aggravated battery as defined in subdivision (e)(5) is a
24 Class X felony for which a person shall be sentenced to a term
25 of imprisonment of a minimum of 12 years and a maximum of 45
26 years.

1 Aggravated battery as defined in subdivision (e)(2),
2 (e)(3), or (e)(4) is a Class X felony for which a person shall
3 be sentenced to a term of imprisonment of a minimum of 15 years
4 and a maximum of 60 years.

5 Aggravated battery as defined in subdivision (e)(6),
6 (e)(7), or (e)(8) is a Class X felony for which a person shall
7 be sentenced to a term of imprisonment of a minimum of 20 years
8 and a maximum of 60 years.

9 Aggravated battery as defined in subdivision (b)(1) is a
10 Class X felony, except that:

11 (1) if the person committed the offense while armed
12 with a firearm, 15 years shall be added to the term of
13 imprisonment imposed by the court;

14 (2) if, during the commission of the offense, the
15 person personally discharged a firearm, 20 years shall be
16 added to the term of imprisonment imposed by the court;

17 (3) if, during the commission of the offense, the
18 person personally discharged a firearm that proximately
19 caused great bodily harm, permanent disability, permanent
20 disfigurement, or death to another person, 25 years or up
21 to a term of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (i) Definitions. For the purposes of this Section:

24 "Building or other structure used to provide shelter" has
25 the meaning ascribed to "shelter" in Section 1 of the Domestic
26 Violence Shelters Act.

1 "Domestic violence" has the meaning ascribed to it in
2 Section 103 of the Illinois Domestic Violence Act of 1986.

3 "Domestic violence shelter" means any building or other
4 structure used to provide shelter or other services to victims
5 or to the dependent children of victims of domestic violence
6 pursuant to the Illinois Domestic Violence Act of 1986 or the
7 Domestic Violence Shelters Act, or any place within 500 feet of
8 such a building or other structure in the case of a person who
9 is going to or from such a building or other structure.

10 "Firearm" has the meaning provided under Section 1.1 of the
11 Firearm Owners Identification Card Act, and does not include an
12 air rifle as defined by Section 1 of the Air Rifle Act.

13 "Machine gun" has the meaning ascribed to it in Section
14 24-1 of this Code.

15 "Merchant" has the meaning ascribed to it in Section
16 16A-2.4 of this Code.

17 "Strangle" means intentionally impeding the normal
18 breathing or circulation of the blood of an individual by
19 applying pressure on the throat or neck of that individual or
20 by blocking the nose or mouth of that individual.

21 ~~(a) A person who, in committing a battery, intentionally or~~
22 ~~knowingly causes great bodily harm, or permanent disability or~~
23 ~~disfigurement commits aggravated battery.~~

24 ~~(b) In committing a battery, a person commits aggravated~~
25 ~~battery if he or she:~~

26 ~~(1) Uses a deadly weapon other than by the discharge of~~

1 ~~a firearm, or uses an air rifle as defined in the Air Rifle~~
2 ~~Act;~~

3 ~~(2) Is hooded, robed or masked, in such manner as to~~
4 ~~conceal his identity;~~

5 ~~(3) Knows the individual harmed to be a teacher or~~
6 ~~other person employed in any school and such teacher or~~
7 ~~other employee is upon the grounds of a school or grounds~~
8 ~~adjacent thereto, or is in any part of a building used for~~
9 ~~school purposes;~~

10 ~~(4) (Blank);~~

11 ~~(5) (Blank);~~

12 ~~(6) Knows the individual harmed to be a community~~
13 ~~policing volunteer while such volunteer is engaged in the~~
14 ~~execution of any official duties, or to prevent the~~
15 ~~volunteer from performing official duties, or in~~
16 ~~retaliation for the volunteer performing official duties,~~
17 ~~and the battery is committed other than by the discharge of~~
18 ~~a firearm;~~

19 ~~(7) Knows the individual harmed to be an emergency~~
20 ~~medical technician — ambulance, emergency medical~~
21 ~~technician — intermediate, emergency medical technician —~~
22 ~~paramedic, ambulance driver, other medical assistance,~~
23 ~~first aid personnel, or hospital personnel engaged in the~~
24 ~~performance of any of his or her official duties, or to~~
25 ~~prevent the emergency medical technician — ambulance,~~
26 ~~emergency medical technician — intermediate, emergency~~

1 ~~medical technician, paramedic, ambulance driver, other~~
2 ~~medical assistance, first aid personnel, or hospital~~
3 ~~personnel from performing official duties, or in~~
4 ~~retaliation for performing official duties;~~

5 ~~(8) Is, or the person battered is, on or about a public~~
6 ~~way, public property or public place of accommodation or~~
7 ~~amusement;~~

8 ~~(8.5) Is, or the person battered is, on a publicly or~~
9 ~~privately owned sports or entertainment arena, stadium,~~
10 ~~community or convention hall, special event center,~~
11 ~~amusement facility, or a special event center in a public~~
12 ~~park during any 24-hour period when a professional sporting~~
13 ~~event, National Collegiate Athletic Association~~
14 ~~(NCAA) sanctioned sporting event, United States Olympic~~
15 ~~Committee sanctioned sporting event, or International~~
16 ~~Olympic Committee sanctioned sporting event is taking~~
17 ~~place in this venue;~~

18 ~~(9) Knows the individual harmed to be the driver,~~
19 ~~operator, employee or passenger of any transportation~~
20 ~~facility or system engaged in the business of~~
21 ~~transportation of the public for hire and the individual~~
22 ~~assaulted is then performing in such capacity or then using~~
23 ~~such public transportation as a passenger or using any area~~
24 ~~of any description designated by the transportation~~
25 ~~facility or system as a vehicle boarding, departure, or~~
26 ~~transfer location;~~

1 ~~(10) Knows the individual harmed to be an individual of~~
2 ~~60 years of age or older;~~

3 ~~(11) Knows the individual harmed is pregnant;~~

4 ~~(12) Knows the individual harmed to be a judge whom the~~
5 ~~person intended to harm as a result of the judge's~~
6 ~~performance of his or her official duties as a judge;~~

7 ~~(13) (Blank);~~

8 ~~(14) Knows the individual harmed to be a person who is~~
9 ~~physically handicapped;~~

10 ~~(15) Knowingly and without legal justification and by~~
11 ~~any means causes bodily harm to a merchant who detains the~~
12 ~~person for an alleged commission of retail theft under~~
13 ~~Section 16A-5 of this Code. In this item (15), "merchant"~~
14 ~~has the meaning ascribed to it in Section 16A-2.4 of this~~
15 ~~Code;~~

16 ~~(16) Is, or the person battered is, in any building or~~
17 ~~other structure used to provide shelter or other services~~
18 ~~to victims or to the dependent children of victims of~~
19 ~~domestic violence pursuant to the Illinois Domestic~~
20 ~~Violence Act of 1986 or the Domestic Violence Shelters Act,~~
21 ~~or the person battered is within 500 feet of such a~~
22 ~~building or other structure while going to or from such a~~
23 ~~building or other structure. "Domestic violence" has the~~
24 ~~meaning ascribed to it in Section 103 of the Illinois~~
25 ~~Domestic Violence Act of 1986. "Building or other structure~~
26 ~~used to provide shelter" has the meaning ascribed to~~

1 ~~"shelter" in Section 1 of the Domestic Violence Shelters~~
2 ~~Act;~~

3 ~~(17) (Blank);~~

4 ~~(18) Knows the individual harmed to be an officer or~~
5 ~~employee of the State of Illinois, a unit of local~~
6 ~~government, or school district engaged in the performance~~
7 ~~of his or her authorized duties as such officer or~~
8 ~~employee;~~

9 ~~(19) Knows the individual harmed to be an emergency~~
10 ~~management worker engaged in the performance of any of his~~
11 ~~or her official duties, or to prevent the emergency~~
12 ~~management worker from performing official duties, or in~~
13 ~~retaliation for the emergency management worker performing~~
14 ~~official duties;~~

15 ~~(20) Knows the individual harmed to be a private~~
16 ~~security officer engaged in the performance of any of his~~
17 ~~or her official duties, or to prevent the private security~~
18 ~~officer from performing official duties, or in retaliation~~
19 ~~for the private security officer performing official~~
20 ~~duties; or~~

21 ~~(21) Knows the individual harmed to be a taxi driver~~
22 ~~and the battery is committed while the taxi driver is on~~
23 ~~duty; or~~

24 ~~(22) Knows the individual harmed to be a utility~~
25 ~~worker, while the utility worker is engaged in the~~
26 ~~execution of his or her duties, or to prevent the utility~~

1 ~~worker from performing his or her duties, or in retaliation~~
2 ~~for the utility worker performing his or her duties. In~~
3 ~~this paragraph (22), "utility worker" means a person~~
4 ~~employed by a public utility as defined in Section 3-105 of~~
5 ~~the Public Utilities Act and also includes an employee of a~~
6 ~~municipally owned utility, an employee of a cable~~
7 ~~television company, an employee of an electric cooperative~~
8 ~~as defined in Section 3-119 of the Public Utilities Act, an~~
9 ~~independent contractor or an employee of an independent~~
10 ~~contractor working on behalf of a cable television company,~~
11 ~~public utility, municipally owned utility, or an electric~~
12 ~~cooperative, or an employee of a telecommunications~~
13 ~~carrier as defined in Section 13-202 of the Public~~
14 ~~Utilities Act, an independent contractor or an employee of~~
15 ~~an independent contractor working on behalf of a~~
16 ~~telecommunications carrier, or an employee of a telephone~~
17 ~~or telecommunications cooperative as defined in Section~~
18 ~~13-212 of the Public Utilities Act, or an independent~~
19 ~~contractor or an employee of an independent contractor~~
20 ~~working on behalf of a telephone or telecommunications~~
21 ~~cooperative.~~

22 ~~For the purpose of paragraph (14) of subsection (b) of this~~
23 ~~Section, a physically handicapped person is a person who~~
24 ~~suffers from a permanent and disabling physical~~
25 ~~characteristic, resulting from disease, injury, functional~~
26 ~~disorder or congenital condition.~~

1 ~~For the purpose of paragraph (20) of subsection (b) and~~
2 ~~subsection (c) of this Section, "private security officer"~~
3 ~~means a registered employee of a private security contractor~~
4 ~~agency under the Private Detective, Private Alarm, Private~~
5 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

6 ~~(c) A person who administers to an individual or causes him~~
7 ~~to take, without his consent or by threat or deception, and for~~
8 ~~other than medical purposes, any intoxicating, poisonous,~~
9 ~~stupefying, narcotic, anesthetic, or controlled substance~~
10 ~~commits aggravated battery.~~

11 ~~(d) A person who knowingly gives to another person any food~~
12 ~~that contains any substance or object that is intended to cause~~
13 ~~physical injury if eaten, commits aggravated battery.~~

14 ~~(d-3) A person commits aggravated battery when he or she~~
15 ~~knowingly and without lawful justification shines or flashes a~~
16 ~~laser gunsight or other laser device that is attached or~~
17 ~~affixed to a firearm, or used in concert with a firearm, so~~
18 ~~that the laser beam strikes upon or against the person of~~
19 ~~another.~~

20 ~~(d-5) An inmate of a penal institution or a sexually~~
21 ~~dangerous person or a sexually violent person in the custody of~~
22 ~~the Department of Human Services who causes or attempts to~~
23 ~~cause a correctional employee of the penal institution or an~~
24 ~~employee of the Department of Human Services to come into~~
25 ~~contact with blood, seminal fluid, urine, or feces, by~~
26 ~~throwing, tossing, or expelling that fluid or material commits~~

1 ~~aggravated battery. For purposes of this subsection (d-5),~~
2 ~~"correctional employee" means a person who is employed by a~~
3 ~~penal institution.~~

4 ~~(d-6) A person commits aggravated battery when he or she,~~
5 ~~in committing a battery, strangles another individual. For the~~
6 ~~purposes of this subsection (d-6), "strangle" means~~
7 ~~intentionally impeding the normal breathing or circulation of~~
8 ~~the blood of an individual by applying pressure on the throat~~
9 ~~or neck of that individual or by blocking the nose or mouth of~~
10 ~~that individual.~~

11 ~~(e) Sentence.~~

12 ~~(1) Except as otherwise provided in paragraphs (2),~~
13 ~~(3), (4), and (5) aggravated battery is a Class 3 felony.~~

14 ~~(2) Aggravated battery that does not cause great bodily~~
15 ~~harm or permanent disability or disfigurement is a Class 2~~
16 ~~felony when the person knows the individual harmed to be a~~
17 ~~peace officer, a community policing volunteer, a private~~
18 ~~security officer, a correctional institution employee, an~~
19 ~~employee of the Department of Human Services supervising or~~
20 ~~controlling sexually dangerous persons or sexually violent~~
21 ~~persons, or a fireman while such officer, volunteer,~~
22 ~~employee, or fireman is engaged in the execution of any~~
23 ~~official duties including arrest or attempted arrest, or to~~
24 ~~prevent the officer, volunteer, employee, or fireman from~~
25 ~~performing official duties, or in retaliation for the~~
26 ~~officer, volunteer, employee, or fireman performing~~

1 ~~official duties, and the battery is committed other than by~~
2 ~~the discharge of a firearm.~~

3 ~~(3) Aggravated battery that causes great bodily harm or~~
4 ~~permanent disability or disfigurement in violation of~~
5 ~~subsection (a) is a Class 1 felony when the person knows~~
6 ~~the individual harmed to be a peace officer, a community~~
7 ~~policing volunteer, a private security officer, a~~
8 ~~correctional institution employee, an employee of the~~
9 ~~Department of Human Services supervising or controlling~~
10 ~~sexually dangerous persons or sexually violent persons, or~~
11 ~~a fireman while such officer, volunteer, employee, or~~
12 ~~fireman is engaged in the execution of any official duties~~
13 ~~including arrest or attempted arrest, or to prevent the~~
14 ~~officer, volunteer, employee, or fireman from performing~~
15 ~~official duties, or in retaliation for the officer,~~
16 ~~volunteer, employee, or fireman performing official~~
17 ~~duties, and the battery is committed other than by the~~
18 ~~discharge of a firearm.~~

19 ~~(4) Aggravated battery under subsection (d 5) is a~~
20 ~~Class 2 felony.~~

21 ~~(5) Aggravated battery under subsection (d 6) is a~~
22 ~~Class 1 felony if:~~

23 ~~(A) the person used or attempted to use a dangerous~~
24 ~~instrument while committing the offense; or~~

25 ~~(B) the person caused great bodily harm or~~
26 ~~permanent disability or disfigurement to the other~~

1 ~~person while committing the offense; or~~

2 ~~(C) the person has been previously convicted of a~~
3 ~~violation of subsection (d-6) under the laws of this~~
4 ~~State or laws similar to subsection (d-6) of any other~~
5 ~~state.~~

6 ~~(6) For purposes of this subsection (e), the term~~
7 ~~"firearm" shall have the meaning provided under Section 1.1~~
8 ~~of the Firearms Owners Identification Card Act, and shall~~
9 ~~not include an air rifle as defined by Section 1 of the Air~~
10 ~~Rifle Act.~~

11 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,
12 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,
13 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
14 96-1000, eff. 7-2-10.)

15 (720 ILCS 5/12-3.1) (from Ch. 38, par. 12-3.1)

16 Sec. 12-3.1. Battery of an unborn child; aggravated battery
17 of an unborn child ~~Unborn Child.~~

18 (a) A person commits battery of an unborn child if he or
19 she ~~intentionally or~~ knowingly without legal justification and
20 by any means causes bodily harm to an unborn child.

21 (a-5) A person commits aggravated battery of an unborn
22 child when, in committing a battery of an unborn child, he or
23 she knowingly causes great bodily harm or permanent disability
24 or disfigurement to an unborn child.

25 (b) For purposes of this Section, (1) "unborn child" shall

1 mean any individual of the human species from fertilization
2 until birth, and (2) "person" shall not include the pregnant
3 woman whose unborn child is harmed.

4 (c) Sentence. Battery of an unborn child is a Class A
5 misdemeanor. Aggravated battery of an unborn child is a Class 2
6 felony.

7 (d) This Section shall not apply to acts which cause bodily
8 harm to an unborn child if those acts were committed during any
9 abortion, as defined in Section 2 of the Illinois Abortion Law
10 of 1975, as amended, to which the pregnant woman has consented.
11 This Section shall not apply to acts which were committed
12 pursuant to usual and customary standards of medical practice
13 during diagnostic testing or therapeutic treatment.

14 (Source: P.A. 84-1414.)

15 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

16 Sec. 12-3.2. Domestic battery ~~Battery~~.

17 (a) A person commits domestic battery if he or she
18 ~~intentionally or~~ knowingly without legal justification by any
19 means:

20 (1) Causes bodily harm to any family or household
21 member ~~as defined in subsection (3) of Section 112A-3 of~~
22 ~~the Code of Criminal Procedure of 1963, as amended;~~

23 (2) Makes physical contact of an insulting or provoking
24 nature with any family or household member ~~as defined in~~
25 ~~subsection (3) of Section 112A-3 of the Code of Criminal~~

1 ~~Procedure of 1963, as amended.~~

2 (b) Sentence. Domestic battery is a Class A misdemeanor.
3 Domestic battery is a Class 4 felony if the defendant has any
4 prior conviction under this Code for domestic battery (Section
5 12-3.2) or violation of an order of protection (Section 12-3.4
6 or 12-30), or any prior conviction under the law of another
7 jurisdiction for an offense which is substantially similar.
8 Domestic battery is a Class 4 felony if the defendant has any
9 prior conviction under this Code for first degree murder
10 (Section 9-1), attempt to commit first degree murder (Section
11 8-4), aggravated domestic battery (Section 12-3.3), aggravated
12 battery (Section 12-3.05 or 12-4), heinous battery (Section
13 12-4.1), aggravated battery with a firearm (Section 12-4.2),
14 aggravated battery with a machine gun or a firearm equipped
15 with a silencer (Section 12-4.2-5), aggravated battery of a
16 child (Section 12-4.3), aggravated battery of an unborn child
17 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
18 aggravated battery of a senior citizen (Section 12-4.6),
19 stalking (Section 12-7.3), aggravated stalking (Section
20 12-7.4), criminal sexual assault (Section 12-13), aggravated
21 criminal sexual assault (12-14), kidnapping (Section 10-1),
22 aggravated kidnapping (Section 10-2), predatory criminal
23 sexual assault of a child (Section 12-14.1), aggravated
24 criminal sexual abuse (Section 12-16), unlawful restraint
25 (Section 10-3), aggravated unlawful restraint (Section
26 10-3.1), aggravated arson (Section 20-1.1), or aggravated

1 discharge of a firearm (Section 24-1.2), or any prior
2 conviction under the law of another jurisdiction for any
3 offense that is substantially similar to the offenses listed in
4 this Section, when any of these offenses have been committed
5 against a family or household member ~~as defined in Section~~
6 ~~112A-3 of the Code of Criminal Procedure of 1963~~. In addition
7 to any other sentencing alternatives, for any second or
8 subsequent conviction of violating this Section, the offender
9 shall be mandatorily sentenced to a minimum of 72 consecutive
10 hours of imprisonment. The imprisonment shall not be subject to
11 suspension, nor shall the person be eligible for probation in
12 order to reduce the sentence.

13 (c) Domestic battery committed in the presence of a child.
14 In addition to any other sentencing alternatives, a defendant
15 who commits, in the presence of a child, a felony domestic
16 battery (enhanced under subsection (b)), aggravated domestic
17 battery (Section 12-3.3), aggravated battery (Section 12-3.05
18 or 12-4), unlawful restraint (Section 10-3), or aggravated
19 unlawful restraint (Section 10-3.1) against a family or
20 household member, ~~as defined in Section 112A-3 of the Code of~~
21 ~~Criminal Procedure of 1963~~, shall be required to serve a
22 mandatory minimum imprisonment of 10 days or perform 300 hours
23 of community service, or both. The defendant shall further be
24 liable for the cost of any counseling required for the child at
25 the discretion of the court in accordance with subsection (b)
26 of Section 5-5-6 of the Unified Code of Corrections. For

1 purposes of this Section, "child" means a person under 18 years
2 of age who is the defendant's or victim's child or step-child
3 or who is a minor child residing within or visiting the
4 household of the defendant or victim. ~~For purposes of this~~
5 ~~Section, "in the presence of a child" means in the physical~~
6 ~~presence of a child or knowing or having reason to know that a~~
7 ~~child is present and may see or hear an act constituting one of~~
8 ~~the offenses listed in this subsection.~~

9 (d) Upon conviction of domestic battery, the court shall
10 advise the defendant orally or in writing, substantially as
11 follows: "An individual convicted of domestic battery may be
12 subject to federal criminal penalties for possessing,
13 transporting, shipping, or receiving any firearm or ammunition
14 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
15 922(g) (8) and (9))." A notation shall be made in the court file
16 that the admonition was given.

17 (Source: P.A. 96-287, eff. 8-11-09.)

18 (720 ILCS 5/12-3.3)

19 Sec. 12-3.3. Aggravated domestic battery.

20 (a) A person who, in committing a domestic battery,
21 ~~intentionally or~~ knowingly causes great bodily harm, or
22 permanent disability or disfigurement commits aggravated
23 domestic battery.

24 (a-5) A person who, in committing a domestic battery,
25 strangles another individual commits aggravated domestic

1 battery. For the purposes of this subsection (a-5), "strangle"
2 means intentionally impeding the normal breathing or
3 circulation of the blood of an individual by applying pressure
4 on the throat or neck of that individual or by blocking the
5 nose or mouth of that individual.

6 (b) Sentence. Aggravated domestic battery is a Class 2
7 felony. Any order of probation or conditional discharge entered
8 following a conviction for an offense under this Section must
9 include, in addition to any other condition of probation or
10 conditional discharge, a condition that the offender serve a
11 mandatory term of imprisonment of not less than 60 consecutive
12 days. A person convicted of a second or subsequent violation of
13 this Section must be sentenced to a mandatory term of
14 imprisonment of not less than 3 years and not more than 7 years
15 or an extended term of imprisonment of not less than 7 years
16 and not more than 14 years.

17 (c) Upon conviction of aggravated domestic battery, the
18 court shall advise the defendant orally or in writing,
19 substantially as follows: "An individual convicted of
20 aggravated domestic battery may be subject to federal criminal
21 penalties for possessing, transporting, shipping, or receiving
22 any firearm or ammunition in violation of the federal Gun
23 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation
24 shall be made in the court file that the admonition was given.
25 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;
26 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

2 Sec. 12-3.4 ~~12-30~~. Violation of an order of protection.

3 (a) A person commits violation of an order of protection
4 if:

5 (1) He or she knowingly commits an act which was
6 prohibited by a court or fails to commit an act which was
7 ordered by a court in violation of:

8 (i) a remedy in a valid order of protection
9 authorized under paragraphs (1), (2), (3), (14), or
10 (14.5) of subsection (b) of Section 214 of the Illinois
11 Domestic Violence Act of 1986,

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (2),
14 (3), (14) or (14.5) of subsection (b) of Section 214 of
15 the Illinois Domestic Violence Act of 1986, in a valid
16 order of protection, which is authorized under the laws
17 of another state, tribe or United States territory,

18 (iii) any other remedy when the act constitutes a
19 crime against the protected parties as the term
20 protected parties is defined in Section 112A-4 of the
21 Code of Criminal Procedure of 1963; and

22 (2) Such violation occurs after the offender has been
23 served notice of the contents of the order, pursuant to the
24 Illinois Domestic Violence Act of 1986 or any substantially
25 similar statute of another state, tribe or United States

1 territory, or otherwise has acquired actual knowledge of
2 the contents of the order.

3 An order of protection issued by a state, tribal or
4 territorial court related to domestic or family violence shall
5 be deemed valid if the issuing court had jurisdiction over the
6 parties and matter under the law of the state, tribe or
7 territory. There shall be a presumption of validity where an
8 order is certified and appears authentic on its face. For
9 purposes of this Section, an "order of protection" may have
10 been issued in a criminal or civil proceeding.

11 (a-5) Failure to provide reasonable notice and opportunity
12 to be heard shall be an affirmative defense to any charge or
13 process filed seeking enforcement of a foreign order of
14 protection.

15 (b) Nothing in this Section shall be construed to diminish
16 the inherent authority of the courts to enforce their lawful
17 orders through civil or criminal contempt proceedings. ~~For~~
18 ~~purposes of this Section, an "order of protection" may have~~
19 ~~been issued in a criminal or civil proceeding.~~

20 (c) The limitations placed on law enforcement liability by
21 Section 305 of the Illinois Domestic Violence Act of 1986 apply
22 to actions taken under this Section. ~~Nothing in this Section~~
23 ~~shall be construed to diminish the inherent authority of the~~
24 ~~courts to enforce their lawful orders through civil or criminal~~
25 ~~contempt proceedings.~~

26 (d) Violation of an order of protection ~~under subsection~~

1 ~~(a) of this Section~~ is a Class A misdemeanor. Violation of an
2 order of protection ~~under subsection (a) of this Section~~ is a
3 Class 4 felony if the defendant has any prior conviction under
4 this Code for domestic battery (Section 12-3.2) or violation of
5 an order of protection (Section 12-3.4 or 12-30). Violation of
6 an order of protection is a Class 4 felony if the defendant has
7 any prior conviction under this Code for first degree murder
8 (Section 9-1), attempt to commit first degree murder (Section
9 8-4), aggravated domestic battery (Section 12-3.3), aggravated
10 battery (Section 12-3.05 or 12-4), heinous battery (Section
11 12-4.1), aggravated battery with a firearm (Section 12-4.2),
12 aggravated battery with a machine gun or a firearm equipped
13 with a silencer (Section 12-4.2-5) aggravated battery of a
14 child (Section 12-4.3), aggravated battery of an unborn child
15 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
16 aggravated battery of a senior citizen (Section 12-4.6),
17 stalking (Section 12-7.3), aggravated stalking (Section
18 12-7.4), criminal sexual assault (Section 12-13), aggravated
19 criminal sexual assault (12-14), kidnapping (Section 10-1),
20 aggravated kidnapping (Section 10-2), predatory criminal
21 sexual assault of a child (Section 12-14.1), aggravated
22 criminal sexual abuse (Section 12-16), unlawful restraint
23 (Section 10-3), aggravated unlawful restraint (Section
24 10-3.1), aggravated arson (Section 20-1.1), ~~or~~ aggravated
25 discharge of a firearm (Section 24-1.2), or a violation of any
26 former law of this State that is substantially similar to any

1 listed offense, when any of these offenses have been committed
2 against a family or household member as defined in Section
3 112A-3 of the Code of Criminal Procedure of 1963. The court
4 shall impose a minimum penalty of 24 hours imprisonment for
5 defendant's second or subsequent violation of any order of
6 protection; unless the court explicitly finds that an increased
7 penalty or such period of imprisonment would be manifestly
8 unjust. In addition to any other penalties, the court may order
9 the defendant to pay a fine as authorized under Section 5-9-1
10 of the Unified Code of Corrections or to make restitution to
11 the victim under Section 5-5-6 of the Unified Code of
12 Corrections. In addition to any other penalties, including
13 those imposed by Section 5-9-1.5 of the Unified Code of
14 Corrections, the court shall impose an additional fine of \$20
15 as authorized by Section 5-9-1.11 of the Unified Code of
16 Corrections upon any person convicted of or placed on
17 supervision for a violation of this Section. The additional
18 fine shall be imposed for each violation of this Section.

19 (e) (Blank). ~~The limitations placed on law enforcement~~
20 ~~liability by Section 305 of the Illinois Domestic Violence Act~~
21 ~~of 1986 apply to actions taken under this Section.~~

22 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
23 92-827, eff. 8-22-02.)

24 (720 ILCS 5/12-3.5) (was 720 ILCS 5/12-6.3)

25 Sec. 12-3.5 ~~12-6.3~~. Interfering with the reporting of

1 domestic violence.

2 (a) A person commits ~~the offense of~~ interfering with the
3 reporting of domestic violence when, after having committed an
4 act of domestic violence, he or she knowingly prevents or
5 attempts to prevent the victim of or a witness to the act of
6 domestic violence from calling a 9-1-1 emergency telephone
7 system, obtaining medical assistance, or making a report to any
8 law enforcement official.

9 (b) For the purposes of this Section, ~~the following terms~~
10 ~~shall have the indicated meanings:~~

11 ~~(1)~~ "Domestic violence" shall have the meaning ascribed to
12 it in Section 112A-3 of the Code of Criminal Procedure of 1963.

13 ~~(2)~~ ~~"Family or household members" shall have the meaning~~
14 ~~ascribed to it in Section 112A-3 of the Code of Criminal~~
15 ~~Procedure of 1963.~~

16 (c) Sentence. Interfering with the reporting of domestic
17 violence is a Class A misdemeanor.

18 (Source: P.A. 90-118, eff. 1-1-98.)

19 (720 ILCS 5/12-3.6) (was 720 ILCS 5/45-1 and 5/45-2)

20 Sec. 12-3.6 ~~45-1~~. Disclosing location of domestic violence
21 victim Definitions.

22 (a) As used in this Section ~~Article~~:

23 ~~(a)~~ "Domestic violence" means attempting to cause or
24 causing abuse of a family or household member or high-risk
25 adult with disabilities, or attempting to cause or causing

1 neglect or exploitation of a high-risk adult with disabilities
2 which threatens the adult's health and safety.

3 ~~(b)~~ "Family or household member" means a spouse, person
4 living as a spouse, parent, or other adult person related by
5 consanguinity or affinity, who is residing or has resided with
6 the person committing domestic violence. "Family or household
7 member" includes a high-risk adult with disabilities who
8 resides with or receives care from any person who has the
9 responsibility for a high-risk adult as a result of a family
10 relationship or who has assumed responsibility for all or a
11 portion of the care of an adult with disabilities voluntarily,
12 by express or implied contract, or by court order.

13 ~~(c)~~ "High-risk adult with disabilities" means a person aged
14 18 or over whose physical or mental disability impairs his or
15 her ability to seek or obtain protection from abuse, neglect,
16 or exploitation.

17 ~~(d)~~ "Abuse", "exploitation", and "neglect" have the
18 meanings ascribed to those terms in Section 103 of the Illinois
19 Domestic Violence Act of 1986.

20 (b) A Sec. 45-2. Disclosure of location of domestic
21 violence victim. Any person commits disclosure of location of
22 domestic violence victim when he or she ~~who~~ publishes,
23 disseminates or otherwise discloses the location of any
24 domestic violence victim, without that person's ~~the~~
25 authorization ~~of that domestic violence victim~~, knowing the
26 ~~that such~~ disclosure will result in, or has the substantial

1 likelihood of resulting in, the threat of bodily harm,~~is~~
2 ~~guilty of a Class A misdemeanor.~~

3 (c) Nothing in this Section shall apply to confidential
4 communications between an attorney and his or her client.

5 (d) Sentence. Disclosure of location of domestic violence
6 victim is a Class A misdemeanor.

7 (Source: P.A. 87-441; 88-45.)

8 (720 ILCS 5/Art. 12, Subdiv. 10 heading new)

9 SUBDIVISION 10. ENDANGERMENT

10 (720 ILCS 5/12-4.4a new)

11 Sec. 12-4.4a. Abuse or criminal neglect of a long term care
12 facility resident; criminal abuse or neglect of an elderly
13 person or person with a disability.

14 (a) Abuse or criminal neglect of a long term care facility
15 resident.

16 (1) A person or an owner or licensee commits abuse of a
17 long term care facility resident when he or she knowingly
18 causes any physical or mental injury to, or commits any
19 sexual offense in this Code against, a resident.

20 (2) A person or an owner or licensee commits criminal
21 neglect of a long term care facility resident when he or
22 she recklessly:

23 (A) performs acts that cause a resident's life to
24 be endangered, health to be injured, or pre-existing

1 physical or mental condition to deteriorate, or that
2 create the substantial likelihood that an elderly
3 person's or person with a disability's life will be
4 endangered, health will be injured, or pre-existing
5 physical or mental condition will deteriorate;

6 (B) fails to perform acts that he or she knows or
7 reasonably should know are necessary to maintain or
8 preserve the life or health of a resident, and that
9 failure causes the resident's life to be endangered,
10 health to be injured, or pre-existing physical or
11 mental condition to deteriorate, or that create the
12 substantial likelihood that an elderly person's or
13 person with a disability's life will be endangered,
14 health will be injured, or pre-existing physical or
15 mental condition will deteriorate; or

16 (C) abandons a resident.

17 (3) A person or an owner or licensee commits neglect of
18 a long term care facility resident when he or she
19 negligently fails to provide adequate medical care,
20 personal care, or maintenance to the resident which results
21 in physical or mental injury or deterioration of the
22 resident's physical or mental condition. An owner or
23 licensee is guilty under this subdivision (a) (3), however,
24 only if the owner or licensee failed to exercise reasonable
25 care in the hiring, training, supervising, or providing of
26 staff or other related routine administrative

1 responsibilities.

2 (b) Criminal abuse or neglect of an elderly person or
3 person with a disability.

4 (1) A caregiver commits criminal abuse or neglect of an
5 elderly person or person with a disability when he or she
6 knowingly does any of the following:

7 (A) performs acts that cause the person's life to
8 be endangered, health to be injured, or pre-existing
9 physical or mental condition to deteriorate;

10 (B) fails to perform acts that he or she knows or
11 reasonably should know are necessary to maintain or
12 preserve the life or health of the person, and that
13 failure causes the person's life to be endangered,
14 health to be injured, or pre-existing physical or
15 mental condition to deteriorate;

16 (C) abandons the person;

17 (D) physically abuses, harasses, intimidates, or
18 interferes with the personal liberty of the person; or

19 (E) exposes the person to willful deprivation.

20 (2) It is not a defense to criminal abuse or neglect of
21 an elderly person or person with a disability that the
22 caregiver reasonably believed that the victim was not an
23 elderly person or person with a disability.

24 (c) Offense not applicable.

25 (1) Nothing in this Section applies to a physician
26 licensed to practice medicine in all its branches or a duly

1 licensed nurse providing care within the scope of his or
2 her professional judgment and within the accepted
3 standards of care within the community.

4 (2) Nothing in this Section imposes criminal liability
5 on a caregiver who made a good faith effort to provide for
6 the health and personal care of an elderly person or person
7 with a disability, but through no fault of his or her own
8 was unable to provide such care.

9 (3) Nothing in this Section applies to the medical
10 supervision, regulation, or control of the remedial care or
11 treatment of residents in a long term care facility
12 conducted for those who rely upon treatment by prayer or
13 spiritual means in accordance with the creed or tenets of
14 any well-recognized church or religious denomination as
15 described in Section 3-803 of the Nursing Home Care Act or
16 Section 3-803 of the MR/DD Community Care Act.

17 (4) Nothing in this Section prohibits a caregiver from
18 providing treatment to an elderly person or person with a
19 disability by spiritual means through prayer alone and care
20 consistent therewith in lieu of medical care and treatment
21 in accordance with the tenets and practices of any church
22 or religious denomination of which the elderly person or
23 person with a disability is a member.

24 (5) Nothing in this Section limits the remedies
25 available to the victim under the Illinois Domestic
26 Violence Act of 1986.

1 (d) Sentence.

2 (1) Long term care facility. Abuse of a long term care
3 facility resident is a Class 3 felony. Criminal neglect of
4 a long term care facility resident is a Class 4 felony,
5 unless it results in the resident's death in which case it
6 is a Class 3 felony. Neglect of a long term care facility
7 resident is a petty offense.

8 (2) Caregiver. Criminal abuse or neglect of an elderly
9 person or person with a disability is a Class 3 felony,
10 unless it results in the person's death in which case it is
11 a Class 2 felony, and if imprisonment is imposed it shall
12 be for a minimum term of 3 years and a maximum term of 14
13 years.

14 (e) Definitions. For the purposes of this Section:

15 "Abandon" means to desert or knowingly forsake a resident
16 or an elderly person or person with a disability under
17 circumstances in which a reasonable person would continue to
18 provide care and custody.

19 "Caregiver" means a person who has a duty to provide for an
20 elderly person or person with a disability's health and
21 personal care, at the elderly person or person with a
22 disability's place of residence, including, but not limited to,
23 food and nutrition, shelter, hygiene, prescribed medication,
24 and medical care and treatment, and includes any of the
25 following:

26 (1) A parent, spouse, adult child, or other relative by

1 blood or marriage who resides with or resides in the same
2 building with or regularly visits the elderly person or
3 person with a disability, knows or reasonably should know
4 of such person's physical or mental impairment, and knows
5 or reasonably should know that such person is unable to
6 adequately provide for his or her own health and personal
7 care.

8 (2) A person who is employed by the elderly person or
9 person with a disability or by another to reside with or
10 regularly visit the elderly person or person with a
11 disability and provide for such person's health and
12 personal care.

13 (3) A person who has agreed for consideration to reside
14 with or regularly visit the elderly person or person with a
15 disability and provide for such person's health and
16 personal care.

17 (4) A person who has been appointed by a private or
18 public agency or by a court of competent jurisdiction to
19 provide for the elderly person or person with a
20 disability's health and personal care.

21 "Caregiver" does not include a long-term care facility
22 licensed or certified under the Nursing Home Care Act or a
23 facility licensed or certified under the MR/DD Community Care
24 Act, or any administrative, medical, or other personnel of such
25 a facility, or a health care provider who is licensed under the
26 Medical Practice Act of 1987 and renders care in the ordinary

1 course of his or her profession.

2 "Elderly person" means a person 60 years of age or older
3 who is incapable of adequately providing for his or her own
4 health and personal care.

5 "Licensee" means the individual or entity licensed to
6 operate a facility under the Nursing Home Care Act, the MR/DD
7 Community Care Act, or the Assisted Living and Shared Housing
8 Act.

9 "Long term care facility" means a private home,
10 institution, building, residence, or other place, whether
11 operated for profit or not, or a county home for the infirm and
12 chronically ill operated pursuant to Division 5-21 or 5-22 of
13 the Counties Code, or any similar institution operated by the
14 State of Illinois or a political subdivision thereof, which
15 provides, through its ownership or management, personal care,
16 sheltered care, or nursing for 3 or more persons not related to
17 the owner by blood or marriage. The term also includes skilled
18 nursing facilities and intermediate care facilities as defined
19 in Titles XVIII and XIX of the federal Social Security Act and
20 assisted living establishments and shared housing
21 establishments licensed under the Assisted Living and Shared
22 Housing Act.

23 "Owner" means the owner a long term care facility as
24 provided in the Nursing Home Care Act, the owner of a facility
25 as provided in the MR/DD Community Care Act, or the owner of an
26 assisted living or shared housing establishment as provided in

1 the Assisted Living and Shared Housing Act.

2 "Person with a disability" means a person who suffers from
3 a permanent physical or mental impairment, resulting from
4 disease, injury, functional disorder, or congenital condition,
5 which renders the person incapable of adequately providing for
6 his or her own health and personal care.

7 "Resident" means a person residing in a long term care
8 facility.

9 "Willful deprivation" has the meaning ascribed to it in
10 paragraph (15) of Section 103 of the Illinois Domestic Violence
11 Act of 1986.

12 (720 ILCS 5/12-4.5) (from Ch. 38, par. 12-4.5)

13 Sec. 12-4.5. Tampering with food, drugs or cosmetics.

14 (a) ~~A~~ ~~Any~~ person who knowingly puts any substance capable
15 of causing death or great bodily harm to a human being into any
16 food, drug or cosmetic offered for sale or consumption commits
17 ~~the offense of~~ tampering with food, drugs or cosmetics.

18 (b) Sentence. Tampering with food, drugs or cosmetics is a
19 Class 2 felony.

20 (Source: P.A. 84-1428; 84-1438.)

21 (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

22 Sec. 12-5. Reckless conduct.

23 (a) A person commits reckless conduct when he or she, by
24 any means lawful or unlawful, recklessly performs an act or

1 acts that:

2 (1) cause ~~who causes~~ bodily harm to or endanger
3 ~~endangers~~ the bodily safety of another person; or an
4 ~~individual by any means, commits reckless conduct if he or~~
5 ~~she performs recklessly the acts that cause the harm or~~
6 ~~endanger safety, whether they otherwise are lawful or~~
7 ~~unlawful.~~

8 (2) cause ~~(a 5) A person who causes~~ great bodily harm
9 or permanent disability or disfigurement to another person
10 ~~by any means, commits reckless conduct if he or she~~
11 ~~performs recklessly the acts that cause the harm, whether~~
12 ~~they otherwise are lawful or unlawful.~~

13 (b) Sentence.

14 Reckless conduct under subdivision (a) (1) ~~subsection (a)~~
15 is a Class A misdemeanor. Reckless conduct under subdivision
16 (a) (2) ~~subsection (a 5)~~ is a Class 4 felony.

17 (Source: P.A. 93-710, eff. 1-1-05.)

18 (720 ILCS 5/12-5.01) (was 720 ILCS 5/12-16.2)

19 Sec. 12-5.01 ~~12-16.2~~. Criminal transmission ~~Transmission~~
20 of HIV.

21 (a) A person commits criminal transmission of HIV when he
22 or she, knowing that he or she is infected with HIV:

23 (1) engages in intimate contact with another;

24 (2) transfers, donates, or provides his or her blood,
25 tissue, semen, organs, or other potentially infectious

1 body fluids for transfusion, transplantation,
2 insemination, or other administration to another; or

3 (3) dispenses, delivers, exchanges, sells, or in any
4 other way transfers to another any nonsterile intravenous
5 or intramuscular drug paraphernalia.

6 (b) For purposes of this Section:

7 "HIV" means the human immunodeficiency virus or any other
8 identified causative agent of acquired immunodeficiency
9 syndrome.

10 "Intimate contact with another" means the exposure of the
11 body of one person to a bodily fluid of another person in a
12 manner that could result in the transmission of HIV.

13 "Intravenous or intramuscular drug paraphernalia" means
14 any equipment, product, or material of any kind which is
15 peculiar to and marketed for use in injecting a substance into
16 the human body.

17 (c) Nothing in this Section shall be construed to require
18 that an infection with HIV has occurred in order for a person
19 to have committed criminal transmission of HIV.

20 (d) It shall be an affirmative defense that the person
21 exposed knew that the infected person was infected with HIV,
22 knew that the action could result in infection with HIV, and
23 consented to the action with that knowledge.

24 (e) A person who commits criminal transmission of HIV
25 commits a Class 2 felony.

26 (Source: P.A. 86-897.)

1 (720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)

2 Sec. 12-5.02 ~~12-2.5~~. Vehicular endangerment ~~Endangerment~~.

3 (a) A person commits vehicular endangerment when he or she
4 strikes ~~Any person who with the intent to strike~~ a motor
5 vehicle ~~causes~~ by causing ~~any means~~ an object to fall from an
6 overpass in the direction of a moving motor vehicle with the
7 intent to strike a motor vehicle while it is traveling upon a
8 ~~any~~ highway in this State, ~~if that object strikes a motor~~
9 ~~vehicle, is guilty of vehicular endangerment.~~

10 (b) Sentence. Vehicular endangerment is a Class 2 felony,
11 unless ~~except when~~ death results, in which case. ~~If death~~
12 ~~results,~~ vehicular endangerment is a Class 1 felony.

13 (c) Definitions. For purposes of this Section:

14 "Object" means any object or substance that by its size,
15 weight, or consistency is likely to cause great bodily harm to
16 any occupant of a motor vehicle.

17 "Overpass" means any structure that passes over a highway.

18 "Motor vehicle" and "highway" have the meanings as defined
19 in the Illinois Vehicle Code.

20 (Source: P.A. 88-467.)

21 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

22 Sec. 12-5.1. Criminal housing management.

23 (a) A person commits ~~the offense of~~ criminal housing
24 management when, having personal management or control of

1 residential real estate, whether as a legal or equitable owner
2 or as a managing agent or otherwise, he or she recklessly
3 permits the physical condition or facilities of the residential
4 real estate to become or remain in any condition which
5 endangers the health or safety of a ~~any~~ person other than the
6 defendant.

7 (b) Sentence.

8 Criminal housing management is a Class A misdemeanor, and
9 a. ~~A subsequent conviction for a violation of subsection (a) is~~
10 a Class 4 felony.

11 (Source: P.A. 85-341.)

12 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

13 Sec. 12-5.1a ~~12-5.15~~. Aggravated criminal housing
14 management.

15 (a) A person commits ~~the offense of~~ aggravated criminal
16 housing management when he or she commits ~~the offense of~~
17 criminal housing management, and:

18 (1) the condition endangering the health or safety of a
19 person other than the defendant is determined to be a
20 contributing factor in the death of that person; and

21 (2) the person recklessly ~~also~~ conceals or attempts to
22 conceal the condition that endangered the health or safety
23 of the person other than the defendant that is found to be
24 a contributing factor in that death.

25 (b) Sentence. Aggravated criminal housing management is a

1 Class 4 felony.

2 (Source: P.A. 93-852, eff. 8-2-04.)

3 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

4 Sec. 12-5.2. Injunction in connection with criminal
5 housing management or aggravated criminal housing management.

6 (a) In addition to any other remedies, the State's Attorney
7 of the county where the residential property which endangers
8 the health or safety of any person exists is authorized to file
9 a complaint and apply to the circuit court for a temporary
10 restraining order, and such circuit court shall upon hearing
11 grant a temporary restraining order or a preliminary or
12 permanent injunction, without bond, restraining any person who
13 owns, manages, or has any equitable interest in the property,
14 from collecting, receiving or benefiting from any rents or
15 other monies available from the property, so long as the
16 property remains in a condition which endangers the health or
17 safety of any person.

18 (b) The court may order any rents or other monies owed to
19 be paid into an escrow account. The funds are to be paid out of
20 the escrow account only to satisfy the reasonable cost of
21 necessary repairs of the property which had been incurred or
22 will be incurred in ameliorating the condition of the property
23 as described in subsection (a), payment of delinquent real
24 estate taxes on the property or payment of other legal debts
25 relating to the property. The court may order that funds remain

1 in escrow for a reasonable time after the completion of all
2 necessary repairs to assure continued upkeep of the property
3 and satisfaction of other outstanding legal debts of the
4 property.

5 (c) The owner shall be responsible for contracting to have
6 necessary repairs completed and shall be required to submit all
7 bills, together with certificates of completion, to the manager
8 of the escrow account within 30 days after their receipt by the
9 owner.

10 (d) In contracting for any repairs required pursuant to
11 this Section the owner of the property shall enter into a
12 contract only after receiving bids from at least 3 independent
13 contractors capable of making the necessary repairs. If the
14 owner does not contract for the repairs with the lowest bidder,
15 he shall file an affidavit with the court explaining why the
16 lowest bid was not acceptable. At no time, under the provisions
17 of this Section Act, shall the owner contract with anyone who
18 is not a licensed contractor, except that a contractor need not
19 be licensed if neither the State nor the county, township, or
20 municipality where the residential real estate is located
21 requires that the contractor be licensed. The court may order
22 release of those funds in the escrow account that are in excess
23 of the monies that the court determines to its satisfaction are
24 needed to correct the condition of the property as described in
25 subsection (a).

26 For the purposes of this Section, "licensed contractor"

1 means: (i) a contractor licensed by the State, if the State
2 requires the licensure of the contractor; or (ii) a contractor
3 licensed by the county, township, or municipality where the
4 residential real estate is located, if that jurisdiction
5 requires the licensure of the contractor.

6 (e) The Clerk of the Circuit Court shall maintain a
7 separate trust account entitled "Property Improvement Trust
8 Account", which shall serve as the depository for the escrowed
9 funds prescribed by this Section. The Clerk of the Court shall
10 be responsible for the receipt, disbursement, monitoring and
11 maintenance of all funds entrusted to this account, and shall
12 provide to the court a quarterly accounting of the activities
13 for any property, with funds in such account, unless the court
14 orders accountings on a more frequent basis.

15 The Clerk of the Circuit Court shall promulgate rules and
16 procedures to administer the provisions of this Act.

17 (f) Nothing in this Section shall in any way be construed
18 to limit or alter any existing liability incurred, or to be
19 incurred, by the owner or manager except as expressly provided
20 in this Act. Nor shall anything in this Section be construed to
21 create any liability on behalf of the Clerk of the Court, the
22 State's Attorney's office or any other governmental agency
23 involved in this action.

24 Nor shall anything in this Section be construed to
25 authorize tenants to refrain from paying rent.

26 (g) Costs. As part of the costs of an action under this

1 Section, the court shall assess a reasonable fee against the
2 defendant to be paid to the Clerk of the Circuit Court. This
3 amount is to be used solely for the maintenance of the Property
4 Improvement Trust Account. No money obtained directly or
5 indirectly from the property subject to the case may be used to
6 satisfy this cost.

7 (h) The municipal building department or other entity
8 responsible for inspection of property and the enforcement of
9 such local requirements shall, within 5 business days of a
10 request by the State's Attorney, provide all documents
11 requested, which shall include, but not be limited to, all
12 records of inspections, permits and other information relating
13 to any property.

14 (Source: P.A. 88-240.)

15 (720 ILCS 5/12-5.3) (was 720 ILCS 5/12-2.6)

16 Sec. 12-5.3 ~~12-2.6~~. Use of a dangerous place for the
17 commission of a controlled substance or cannabis offense.

18 (a) A person commits ~~the offense of~~ use of a dangerous
19 place for the commission of a controlled substance or cannabis
20 offense when that person knowingly exercises control over any
21 place with the intent to use that place to manufacture,
22 produce, deliver, or possess with intent to deliver a
23 controlled or counterfeit substance or controlled substance
24 analog in violation of Section 401 of the Illinois Controlled
25 Substances Act or to manufacture, produce, deliver, or possess

1 with intent to deliver cannabis in violation of Section 5, 5.1,
2 5.2, 7, or 8 of the Cannabis Control Act and:

3 (1) the place, by virtue of the presence of the
4 substance or substances used or intended to be used to
5 manufacture a controlled or counterfeit substance,
6 controlled substance analog, or cannabis, presents a
7 substantial risk of injury to any person from fire,
8 explosion, or exposure to toxic or noxious chemicals or
9 gas; or

10 (2) the place used or intended to be used to
11 manufacture, produce, deliver, or possess with intent to
12 deliver a controlled or counterfeit substance, controlled
13 substance analog, or cannabis has located within it or
14 surrounding it devices, weapons, chemicals, or explosives
15 designed, hidden, or arranged in a manner that would cause
16 a person to be exposed to a substantial risk of great
17 bodily harm.

18 (b) It may be inferred that a place was intended to be used
19 to manufacture a controlled or counterfeit substance or
20 controlled substance analog if a substance containing a
21 controlled or counterfeit substance or controlled substance
22 analog or a substance containing a chemical important to the
23 manufacture of a controlled or counterfeit substance or
24 controlled substance analog is found at the place of the
25 alleged illegal controlled substance manufacturing in close
26 proximity to equipment or a chemical used for facilitating the

1 manufacture of the controlled or counterfeit substance or
2 controlled substance analog that is alleged to have been
3 intended to be manufactured.

4 (c) As used in this Section, "place" means a premises,
5 conveyance, or location that offers seclusion, shelter, means,
6 or facilitation for manufacturing, producing, possessing, or
7 possessing with intent to deliver a controlled or counterfeit
8 substance, controlled substance analog, or cannabis.

9 (d) Use of a dangerous place for the commission of a
10 controlled substance or cannabis offense is a Class 1 felony.
11 (Source: P.A. 93-516, eff. 1-1-04; 94-743, eff. 5-8-06.)

12 (720 ILCS 5/12-5.5)

13 Sec. 12-5.5. Common carrier recklessness ~~carriers; gross~~
14 ~~neglect.~~

15 (a) A person commits common carrier recklessness when he or
16 she, ~~whoever,~~ having personal management or control of or over
17 a ~~steamboat or other~~ public conveyance used for the common
18 carriage of persons, recklessly endangers the safety of others.

19 (b) Sentence. Common carrier recklessness is ~~is guilty of~~
20 ~~gross carelessness or neglect in, or in relation to, the~~
21 ~~conduct, management, or control of the steamboat or other~~
22 ~~public conveyance, while being so used for the common carriage~~
23 ~~of persons, in which the safety of any person is endangered is~~
24 ~~guilty of~~ a Class 4 felony.

25 (Source: P.A. 89-234, eff. 1-1-96.)

1 (720 ILCS 5/Art.12, Subdiv. 15 heading new)

2 SUBDIVISION 15. INTIMIDATION

3 (720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

4 Sec. 12-6. Intimidation.

5 (a) A person commits intimidation when, with intent to
6 cause another to perform or to omit the performance of any act,
7 he or she communicates to another, directly or indirectly by
8 any means ~~whether in person, by telephone or by mail~~, a threat
9 to perform without lawful authority any of the following acts:

10 (1) Inflict physical harm on the person threatened or
11 any other person or on property; or

12 (2) Subject any person to physical confinement or
13 restraint; or

14 (3) Commit a felony or Class A misdemeanor ~~any criminal~~
15 ~~offense~~; or

16 (4) Accuse any person of an offense; or

17 (5) Expose any person to hatred, contempt or ridicule;
18 or

19 (6) Take action as a public official against anyone or
20 anything, or withhold official action, or cause such action
21 or withholding; or

22 (7) Bring about or continue a strike, boycott or other
23 collective action.

24 (b) Sentence.

1 Intimidation is a Class 3 felony for which an offender may
2 be sentenced to a term of imprisonment of not less than 2 years
3 and not more than 10 years.

4 (Source: P.A. 91-696, eff. 4-13-00.)

5 (720 ILCS 5/12-6.2)

6 Sec. 12-6.2. Aggravated intimidation.

7 (a) A person commits ~~the offense of~~ aggravated intimidation
8 when he or she commits ~~the offense of~~ intimidation and:

9 (1) the person committed the offense in furtherance of
10 the activities of an organized gang or because of ~~by~~ the
11 person's membership in or allegiance to an organized gang;
12 or

13 (2) the offense is committed with the intent to prevent
14 any person from becoming a community policing volunteer; or

15 (3) the following conditions are met:

16 (A) the person knew that the victim was: ~~(i)~~ a
17 peace officer, ~~(ii)~~ a correctional institution
18 employee, ~~(iii)~~ a fireman, ~~or~~ ~~(iv)~~ a community
19 policing volunteer; and

20 (B) the offense was committed:

21 (i) while the victim was engaged in the
22 execution of his or her official duties; or

23 (ii) to prevent the victim from performing his
24 or her official duties;

25 (iii) in retaliation for the victim's

1 performance of his or her official duties; or
2 (iv) by reason of any person's activity as a
3 community policing volunteer.

4 (b) Sentence. Aggravated intimidation as defined in
5 paragraph (a)(1) is a Class 1 felony. Aggravated intimidation
6 as defined in paragraph (a)(2) or (a)(3) is a Class 2 felony
7 for which the offender may be sentenced to a term of
8 imprisonment of not less than 3 years nor more than 14 years.

9 (c) (Blank). ~~For the purposes of this Section,~~
10 ~~"streetgang", "streetgang member", and "organized gang" have~~
11 ~~the meanings ascribed to them in Section 10 of the Illinois~~
12 ~~Streetgang Terrorism Omnibus Prevention Act.~~

13 (Source: P.A. 89-631, eff. 1-1-97; 90-651, eff. 1-1-99; 90-655,
14 eff. 7-30-98.)

15 (720 ILCS 5/12-6.4)

16 Sec. 12-6.4. Criminal street gang recruitment on school
17 grounds or public property adjacent to school grounds and
18 criminal street gang recruitment of a minor.

19 (a) A person commits ~~the offense of~~ criminal street gang
20 recruitment on school grounds or public property adjacent to
21 school grounds when on school grounds or public property
22 adjacent to school grounds, he or she knowingly threatens the
23 use of physical force to coerce, solicit, recruit, or induce
24 another person to join or remain a member of a criminal street
25 gang, or conspires to do so.

1 (a-5) A person commits the offense of criminal street gang
2 recruitment of a minor when he or she threatens the use of
3 physical force to coerce, solicit, recruit, or induce another
4 person to join or remain a member of a criminal street gang, or
5 conspires to do so, whether or not such threat is communicated
6 in person, by means of the Internet, or by means of a
7 telecommunications device.

8 (b) Sentence. Criminal street gang recruitment on school
9 grounds or public property adjacent to school grounds is a
10 Class 1 felony and criminal street gang recruitment of a minor
11 is a Class 1 felony.

12 (c) In this Section:

13 ~~"Criminal street gang" has the meaning ascribed to it~~
14 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~
15 ~~Prevention Act.~~

16 "School grounds" means the building or buildings or
17 real property comprising a public or private elementary or
18 secondary school, community college, college, or
19 university and includes a school yard, school playing
20 field, or school playground.

21 "Minor" means any person under 18 years of age.

22 "Internet" means an interactive computer service or
23 system or an information service, system, or access
24 software provider that provides or enables computer access
25 by multiple users to a computer server, and includes, but
26 is not limited to, an information service, system, or

1 access software provider that provides access to a network
2 system commonly known as the Internet, or any comparable
3 system or service and also includes, but is not limited to,
4 a World Wide Web page, newsgroup, message board, mailing
5 list, or chat area on any interactive computer service or
6 system or other online service.

7 "Telecommunications device" means a device that is
8 capable of receiving or transmitting speech, data,
9 signals, text, images, sounds, codes, or other information
10 including, but not limited to, paging devices, telephones,
11 and cellular and mobile telephones.

12 (Source: P.A. 96-199, eff. 1-1-10.)

13 (720 ILCS 5/12-6.5) (was 720 ILCS 5/12-6.1)

14 Sec. 12-6.5 ~~12-6.1~~. Compelling organization membership of
15 persons. A person who knowingly, expressly or impliedly,
16 threatens to do bodily harm or does bodily harm to an
17 individual or to that individual's family or uses any other
18 criminally unlawful means to solicit or cause any person to
19 join, or deter any person from leaving, any organization or
20 association regardless of the nature of such organization or
21 association, is guilty of a Class 2 felony.

22 Any person of the age of 18 years or older who knowingly,
23 expressly or impliedly,
24 threatens to do bodily harm or does
25 bodily harm to a person under 18 years of age or uses any other
criminally unlawful means to solicit or cause any person under

1 18 years of age to join, or deter any person under 18 years of
2 age from leaving, any organization or association regardless of
3 the nature of such organization or association is guilty of a
4 Class 1 felony.

5 A person convicted of an offense under this Section shall
6 not be eligible to receive a sentence of probation, conditional
7 discharge, or periodic imprisonment.

8 (Source: P.A. 91-696, eff. 4-13-00.)

9 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

10 Sec. 12-7. Compelling confession or information by force or
11 threat.

12 (a) A person who, with intent to obtain a confession,
13 statement or information regarding any offense, knowingly
14 inflicts or threatens imminent bodily harm upon the person
15 threatened or upon any other person commits ~~the offense of~~
16 compelling a confession or information by force or threat.

17 (b) Sentence.

18 Compelling a confession or information is a: (1) Class 4
19 felony if the defendant threatens imminent bodily harm to
20 obtain a confession, statement, or information but does not
21 inflict bodily harm on the victim, (2) Class 3 felony if the
22 defendant inflicts bodily harm on the victim to obtain a
23 confession, statement, or information, and (3) Class 2 felony
24 if the defendant inflicts great bodily harm to obtain a
25 confession, statement, or information.

1 (Source: P.A. 94-1113, eff. 1-1-08.)

2 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

3 Sec. 12-7.1. Hate crime.

4 (a) A person commits hate crime when, by reason of the
5 actual or perceived race, color, creed, religion, ancestry,
6 gender, sexual orientation, physical or mental disability, or
7 national origin of another individual or group of individuals,
8 regardless of the existence of any other motivating factor or
9 factors, he commits assault, battery, aggravated assault,
10 misdemeanor theft, criminal trespass to residence, misdemeanor
11 criminal damage to property, criminal trespass to vehicle,
12 criminal trespass to real property, mob action or disorderly
13 conduct as these crimes are defined in Sections 12-1, 12-2,
14 12-3(a) ~~12-3~~, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of
15 this Code, respectively, or harassment by telephone as defined
16 in Section 1-1 of the Harassing and Obscene Communications Act,
17 or harassment through electronic communications as defined in
18 clauses (a)(2) and (a)(4) of Section 1-2 of the Harassing and
19 Obscene Communications Act.

20 (b) Except as provided in subsection (b-5), hate crime is a
21 Class 4 felony for a first offense and a Class 2 felony for a
22 second or subsequent offense.

23 (b-5) Hate crime is a Class 3 felony for a first offense
24 and a Class 2 felony for a second or subsequent offense if
25 committed:

1 (1) in a church, synagogue, mosque, or other building,
2 structure, or place used for religious worship or other
3 religious purpose;

4 (2) in a cemetery, mortuary, or other facility used for
5 the purpose of burial or memorializing the dead;

6 (3) in a school or other educational facility,
7 including an administrative facility or public or private
8 dormitory facility of or associated with the school or
9 other educational facility;

10 (4) in a public park or an ethnic or religious
11 community center;

12 (5) on the real property comprising any location
13 specified in clauses (1) through (4) of this subsection
14 (b-5); or

15 (6) on a public way within 1,000 feet of the real
16 property comprising any location specified in clauses (1)
17 through (4) of this subsection (b-5).

18 (b-10) Upon imposition of any sentence, the trial court
19 shall also either order restitution paid to the victim or
20 impose a fine up to \$1,000. In addition, any order of probation
21 or conditional discharge entered following a conviction or an
22 adjudication of delinquency shall include a condition that the
23 offender perform public or community service of no less than
24 200 hours if that service is established in the county where
25 the offender was convicted of hate crime. The court may also
26 impose any other condition of probation or conditional

1 discharge under this Section.

2 (c) Independent of any criminal prosecution or the result
3 thereof, any person suffering injury to his person or damage to
4 his property as a result of hate crime may bring a civil action
5 for damages, injunction or other appropriate relief. The court
6 may award actual damages, including damages for emotional
7 distress, or punitive damages. A judgment may include
8 attorney's fees and costs. The parents or legal guardians,
9 other than guardians appointed pursuant to the Juvenile Court
10 Act or the Juvenile Court Act of 1987, of an unemancipated
11 minor shall be liable for the amount of any judgment for actual
12 damages rendered against such minor under this subsection (c)
13 in any amount not exceeding the amount provided under Section 5
14 of the Parental Responsibility Law.

15 (d) "Sexual orientation" means heterosexuality,
16 homosexuality, or bisexuality.

17 (Source: P.A. 93-463, eff. 8-8-03; 93-765, eff. 7-19-04; 94-80,
18 eff. 6-27-05.)

19 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

20 Sec. 12-7.3. Stalking.

21 (a) A person commits stalking when he or she knowingly
22 engages in a course of conduct directed at a specific person,
23 and he or she knows or should know that this course of conduct
24 would cause a reasonable person to:

25 (1) fear for his or her safety or the safety of a third

1 person; or

2 (2) suffer other emotional distress.

3 (a-3) A person commits stalking when he or she, knowingly
4 and without lawful justification, on at least 2 separate
5 occasions follows another person or places the person under
6 surveillance or any combination thereof and:

7 (1) at any time transmits a threat of immediate or
8 future bodily harm, sexual assault, confinement or
9 restraint and the threat is directed towards that person or
10 a family member of that person; or

11 (2) places that person in reasonable apprehension of
12 immediate or future bodily harm, sexual assault,
13 confinement or restraint to or of that person or a family
14 member of that person. ~~or~~

15 ~~(3) places that person in reasonable apprehension that~~
16 ~~a family member will receive immediate or future bodily~~
17 ~~harm, sexual assault, confinement, or restraint.~~

18 (a-5) A person commits stalking when he or she has
19 previously been convicted of stalking another person and
20 knowingly and without lawful justification on one occasion:

21 (1) follows that same person or places that same person
22 under surveillance; and

23 (2) transmits a threat of immediate or future bodily
24 harm, sexual assault, confinement or restraint to that
25 person or a family member of that person. ~~and~~

26 ~~(3) the threat is directed towards that person or a~~

1 ~~family member of that person.~~

2 (b) Sentence. Stalking is a Class 4 felony; ~~a.~~ A second or
3 subsequent conviction ~~for stalking~~ is a Class 3 felony.

4 (c) Definitions. For purposes of this Section:

5 (1) "Course of conduct" means 2 or more acts, including
6 but not limited to acts in which a defendant directly,
7 indirectly, or through third parties, by any action,
8 method, device, or means follows, monitors, observes,
9 surveils, threatens, or communicates to or about, a person,
10 engages in other non-consensual contact, or interferes
11 with or damages a person's property or pet. A course of
12 conduct may include contact via electronic communications.

13 (2) "Electronic communication" means any transfer of
14 signs, signals, writings, sounds, data, or intelligence of
15 any nature transmitted in whole or in part by a wire,
16 radio, electromagnetic, photoelectric, or photo-optical
17 system. "Electronic communication" includes transmissions
18 by a computer through the Internet to another computer.

19 (3) "Emotional distress" means significant mental
20 suffering, anxiety or alarm.

21 (4) "Family member" means a parent, grandparent,
22 brother, sister, or child, whether by whole blood,
23 half-blood, or adoption and includes a step-grandparent,
24 step-parent, step-brother, step-sister or step-child.
25 "Family member" also means any other person who regularly
26 resides in the household, or who, within the prior 6

1 months, regularly resided in the household.

2 (5) "Follows another person" means (i) to move in
3 relative proximity to a person as that person moves from
4 place to place or (ii) to remain in relative proximity to a
5 person who is stationary or whose movements are confined to
6 a small area. "Follows another person" does not include a
7 following within the residence of the defendant.

8 (6) "Non-consensual contact" means any contact with
9 the victim that is initiated or continued without the
10 victim's consent, including but not limited to being in the
11 physical presence of the victim; appearing within the sight
12 of the victim; approaching or confronting the victim in a
13 public place or on private property; appearing at the
14 workplace or residence of the victim; entering onto or
15 remaining on property owned, leased, or occupied by the
16 victim; or placing an object on, or delivering an object
17 to, property owned, leased, or occupied by the victim.

18 (7) "Places a person under surveillance" means: (1)
19 remaining present outside the person's school, place of
20 employment, vehicle, other place occupied by the person, or
21 residence other than the residence of the defendant; or (2)
22 placing an electronic tracking device on the person or the
23 person's property.

24 (8) "Reasonable person" means a person in the victim's
25 situation.

26 (9) "Transmits a threat" means a verbal or written

1 threat or a threat implied by a pattern of conduct or a
2 combination of verbal or written statements or conduct.

3 (d) Exemptions.

4 (1) This Section does not apply to any individual or
5 organization (i) monitoring or attentive to compliance
6 with public or worker safety laws, wage and hour
7 requirements, or other statutory requirements, or (ii)
8 picketing occurring at the workplace that is otherwise
9 lawful and arises out of a bona fide labor dispute,
10 including any controversy concerning wages, salaries,
11 hours, working conditions or benefits, including health
12 and welfare, sick leave, insurance, and pension or
13 retirement provisions, the making or maintaining of
14 collective bargaining agreements, and the terms to be
15 included in those agreements.

16 (2) This Section does not apply to an exercise of the
17 right to free speech or assembly that is otherwise lawful.

18 (3) Telecommunications carriers, commercial mobile
19 service providers, and providers of information services,
20 including, but not limited to, Internet service providers
21 and hosting service providers, are not liable under this
22 Section, except for willful and wanton misconduct, by
23 virtue of the transmission, storage, or caching of
24 electronic communications or messages of others or by
25 virtue of the provision of other related
26 telecommunications, commercial mobile services, or

1 information services used by others in violation of this
2 Section.

3 (d-5) The incarceration of a person in a penal institution
4 who commits the course of conduct or transmits a threat is not
5 a bar to prosecution under this Section.

6 (Source: P.A. 95-33, eff. 1-1-08; 96-686, eff. 1-1-10.)

7 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

8 Sec. 12-7.4. Aggravated stalking.

9 (a) A person commits aggravated stalking when he or she
10 ~~commits, in conjunction with committing the offense of stalking~~
11 ~~and, also does any of the following:~~

12 (1) causes bodily harm to the victim;

13 (2) confines or restrains the victim; or

14 (3) violates a temporary restraining order, an order of
15 protection, a stalking no contact order, a civil no contact
16 order, or an injunction prohibiting the behavior described
17 in subsection (b)(1) of Section 214 of the Illinois
18 Domestic Violence Act of 1986.

19 (b) Sentence. Aggravated stalking is a Class 3 felony; ~~a. A~~
20 second or subsequent conviction ~~for aggravated stalking~~ is a
21 Class 2 felony.

22 (c) Exemptions.

23 (1) This Section does not apply to any individual or
24 organization (i) monitoring or attentive to compliance
25 with public or worker safety laws, wage and hour

1 requirements, or other statutory requirements, or (ii)
2 picketing occurring at the workplace that is otherwise
3 lawful and arises out of a bona fide labor dispute
4 including any controversy concerning wages, salaries,
5 hours, working conditions or benefits, including health
6 and welfare, sick leave, insurance, and pension or
7 retirement provisions, the managing or maintenance of
8 collective bargaining agreements, and the terms to be
9 included in those agreements.

10 (2) This Section does not apply to an exercise of the
11 right of free speech or assembly that is otherwise lawful.

12 (3) Telecommunications carriers, commercial mobile
13 service providers, and providers of information services,
14 including, but not limited to, Internet service providers
15 and hosting service providers, are not liable under this
16 Section, except for willful and wanton misconduct, by
17 virtue of the transmission, storage, or caching of
18 electronic communications or messages of others or by
19 virtue of the provision of other related
20 telecommunications, commercial mobile services, or
21 information services used by others in violation of this
22 Section.

23 (Source: P.A. 96-686, eff. 1-1-10.)

24 (720 ILCS 5/12-7.5)

25 Sec. 12-7.5. Cyberstalking.

1 (a) A person commits cyberstalking when he or she engages
2 in a course of conduct using electronic communication directed
3 at a specific person, and he or she knows or should know that
4 would cause a reasonable person to:

5 (1) fear for his or her safety or the safety of a third
6 person; or

7 (2) suffer other emotional distress.

8 (a-3) A person commits cyberstalking when he or she,
9 knowingly and without lawful justification, on at least 2
10 separate occasions, harasses another person through the use of
11 electronic communication and:

12 (1) at any time transmits a threat of immediate or
13 future bodily harm, sexual assault, confinement, or
14 restraint and the threat is directed towards that person or
15 a family member of that person; or

16 (2) places that person or a family member of that
17 person in reasonable apprehension of immediate or future
18 bodily harm, sexual assault, confinement, or restraint; or

19 (3) at any time knowingly solicits the commission of an
20 act by any person which would be a violation of this Code
21 directed towards that person or a family member of that
22 person.

23 (a-5) A person commits cyberstalking when he or she,
24 knowingly and without lawful justification, creates and
25 maintains an Internet website or webpage which is accessible to
26 one or more third parties for a period of at least 24 hours,

1 and which contains statements harassing another person and:

2 (1) which communicates a threat of immediate or future
3 bodily harm, sexual assault, confinement, or restraint,
4 where the threat is directed towards that person or a
5 family member of that person, or

6 (2) which places that person or a family member of that
7 person in reasonable apprehension of immediate or future
8 bodily harm, sexual assault, confinement, or restraint, or

9 (3) which knowingly solicits the commission of an act
10 by any person which would be a violation of this Code
11 directed towards that person or a family member of that
12 person.

13 (b) Sentence. Cyberstalking is a Class 4 felony; ~~a. A~~
14 second or subsequent conviction ~~for cyberstalking~~ is a Class 3
15 felony.

16 (c) For purposes of this Section:

17 (1) "Course of conduct" means 2 or more acts, including
18 but not limited to acts in which a defendant directly,
19 indirectly, or through third parties, by any action,
20 method, device, or means follows, monitors, observes,
21 surveils, threatens, or communicates to or about, a person,
22 engages in other non-consensual contact, or interferes
23 with or damages a person's property or pet. The
24 incarceration in a penal institution of a person who
25 commits the course of conduct is not a bar to prosecution
26 under this Section.

1 (2) "Electronic communication" means any transfer of
2 signs, signals, writings, sounds, data, or intelligence of
3 any nature transmitted in whole or in part by a wire,
4 radio, electromagnetic, photoelectric, or photo-optical
5 system. "Electronic communication" includes transmissions
6 by a computer through the Internet to another computer.

7 (3) "Emotional distress" means significant mental
8 suffering, anxiety or alarm.

9 (4) "Harass" means to engage in a knowing and willful
10 course of conduct directed at a specific person that
11 alarms, torments, or terrorizes that person.

12 (5) "Non-consensual contact" means any contact with
13 the victim that is initiated or continued without the
14 victim's consent, including but not limited to being in the
15 physical presence of the victim; appearing within the sight
16 of the victim; approaching or confronting the victim in a
17 public place or on private property; appearing at the
18 workplace or residence of the victim; entering onto or
19 remaining on property owned, leased, or occupied by the
20 victim; or placing an object on, or delivering an object
21 to, property owned, leased, or occupied by the victim.

22 (6) "Reasonable person" means a person in the victim's
23 circumstances, with the victim's knowledge of the
24 defendant and the defendant's prior acts.

25 (7) "Third party" means any person other than the
26 person violating these provisions and the person or persons

1 towards whom the violator's actions are directed.

2 (d) Telecommunications carriers, commercial mobile service
3 providers, and providers of information services, including,
4 but not limited to, Internet service providers and hosting
5 service providers, are not liable under this Section, except
6 for willful and wanton misconduct, by virtue of the
7 transmission, storage, or caching of electronic communications
8 or messages of others or by virtue of the provision of other
9 related telecommunications, commercial mobile services, or
10 information services used by others in violation of this
11 Section.

12 (Source: P.A. 95-849, eff. 1-1-09; 96-328, eff. 8-11-09;
13 96-686, eff. 1-1-10; 96-1000, eff. 7-2-10.)

14 (720 ILCS 5/12-7.6)

15 Sec. 12-7.6. Cross burning.

16 (a) A person commits ~~the offense of~~ cross burning when he
17 or she ~~who~~, with the intent to intimidate any other person or
18 group of persons, burns or causes to be burned a cross.

19 (b) Sentence. Cross burning is a Class A misdemeanor for a
20 first offense and a Class 4 felony for a second or subsequent
21 offense.

22 (c) For the purposes of this Section, a person acts with
23 the "intent to intimidate" when he or she intentionally places
24 or attempts to place another person in fear of physical injury
25 or fear of damage to that other person's property.

1 (Source: P.A. 93-764, eff. 1-1-05.)

2 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

3 Sec. 12-9. Threatening public officials.

4 (a) A person commits ~~the offense of~~ threatening a public
5 official when:

6 (1) that person knowingly ~~and willfully~~ delivers or
7 conveys, directly or indirectly, to a public official by
8 any means a communication:

9 (i) containing a threat that would place the public
10 official or a member of his or her immediate family in
11 reasonable apprehension of immediate or future bodily
12 harm, sexual assault, confinement, or restraint; or

13 (ii) containing a threat that would place the
14 public official or a member of his or her immediate
15 family in reasonable apprehension that damage will
16 occur to property in the custody, care, or control of
17 the public official or his or her immediate family; and

18 (2) the threat was conveyed because of the performance
19 or nonperformance of some public duty, because of hostility
20 of the person making the threat toward the status or
21 position of the public official, or because of any other
22 factor related to the official's public existence.

23 (a-5) For purposes of a threat to a sworn law enforcement
24 officer, the threat must contain specific facts indicative of a
25 unique threat to the person, family or property of the officer

1 and not a generalized threat of harm.

2 (b) For purposes of this Section:

3 (1) "Public official" means a person who is elected to
4 office in accordance with a statute or who is appointed to
5 an office which is established, and the qualifications and
6 duties of which are prescribed, by statute, to discharge a
7 public duty for the State or any of its political
8 subdivisions or in the case of an elective office any
9 person who has filed the required documents for nomination
10 or election to such office. "Public official" includes a
11 duly appointed assistant State's Attorney, assistant
12 Attorney General, or Appellate Prosecutor, and a sworn law
13 enforcement or peace officer.

14 (2) "Immediate family" means a public official's
15 spouse or child or children.

16 (c) Threatening a public official is a Class 3 felony for a
17 first offense and a Class 2 felony for a second or subsequent
18 offense.

19 (Source: P.A. 95-466, eff. 6-1-08.)

20 (720 ILCS 5/Art.12, Subdiv. 20 heading new)

21 SUBDIVISION 20. MUTILATION

22 (720 ILCS 5/12-10.2)

23 Sec. 12-10.2. Tongue splitting.

24 (a) In this Section, "tongue splitting" means the cutting

1 of a human tongue into 2 or more parts.

2 (b) A person may not knowingly perform tongue splitting on
3 another person unless the person performing the tongue
4 splitting is licensed to practice medicine in all its branches
5 under the Medical Practice Act of 1987 or licensed under the
6 Illinois Dental Practice Act.

7 (c) Sentence. Tongue splitting performed in violation of
8 this Section is a Class A misdemeanor for a first offense and a
9 Class 4 felony for a second or subsequent offense.

10 (Source: P.A. 93-449, eff. 1-1-04.)

11 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

12 Sec. 12-20. Sale of body parts.

13 (a) Except as provided in subsection (b), any person who
14 knowingly buys or sells, or offers to buy or sell, a human body
15 or any part of a human body, is guilty of a Class A misdemeanor
16 for the first conviction and a Class 4 felony for subsequent
17 convictions.

18 (b) This Section does not prohibit:

19 (1) An anatomical gift made in accordance with the
20 Illinois Anatomical Gift Act.

21 (2) (Blank). ~~The removal and use of a human cornea in~~
22 ~~accordance with the Illinois Anatomical Gift Act.~~

23 (3) Reimbursement of actual expenses incurred by a
24 living person in donating an organ, tissue or other body
25 part or fluid for transplantation, implantation, infusion,

1 injection, or other medical or scientific purpose,
2 including medical costs, loss of income, and travel
3 expenses.

4 (4) Payments provided under a plan of insurance or
5 other health care coverage.

6 (5) Reimbursement of reasonable costs associated with
7 the removal, storage or transportation of a human body or
8 part thereof donated for medical or scientific purposes.

9 (6) Purchase or sale of blood, plasma, blood products
10 or derivatives, other body fluids, or human hair.

11 (7) Purchase or sale of drugs, reagents or other
12 substances made from human bodies or body parts, for use in
13 medical or scientific research, treatment or diagnosis.

14 (Source: P.A. 93-794, eff. 7-22-04.)

15 (720 ILCS 5/12-20.5)

16 Sec. 12-20.5. Dismembering a human body.

17 (a) A person commits ~~the offense of~~ dismembering a human
18 body when he or she knowingly dismembers, severs, separates,
19 dissects, or mutilates any body part of a deceased's body.

20 (b) This Section does not apply to:

21 (1) an anatomical gift made in accordance with the
22 Illinois Anatomical Gift Act;

23 (2) (blank); ~~the removal and use of a human cornea in~~
24 ~~accordance with the Illinois Anatomical Gift Act;~~

25 (3) the purchase or sale of drugs, reagents, or other

1 substances made from human body parts, for the use in
2 medical or scientific research, treatment, or diagnosis;

3 (4) persons employed by a county medical examiner's
4 office or coroner's office acting within the scope of their
5 employment while performing an autopsy;

6 (5) the acts of a licensed funeral director or embalmer
7 while performing acts authorized by the Funeral Directors
8 and Embalmers Licensing Code;

9 (6) the acts of emergency medical personnel or
10 physicians performed in good faith and according to the
11 usual and customary standards of medical practice in an
12 attempt to resuscitate a life; or

13 (7) physicians licensed to practice medicine in all of
14 its branches or holding a visiting professor, physician, or
15 resident permit under the Medical Practice Act of 1987,
16 performing acts in accordance with usual and customary
17 standards of medical practice, or a currently enrolled
18 student in an accredited medical school in furtherance of
19 his or her education at the accredited medical school.

20 (c) It is not a defense to a violation of this Section that
21 the decedent died due to natural, accidental, or suicidal
22 causes.

23 (d) Sentence. Dismembering a human body is a Class X
24 felony.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 (720 ILCS 5/12-32) (from Ch. 38, par. 12-32)

2 Sec. 12-32. Ritual mutilation ~~Mutilation~~.

3 (a) A person commits ~~the offense of~~ ritual mutilation~~,r~~ when
4 he or she knowingly mutilates, dismembers or tortures another
5 person as part of a ceremony, rite, initiation, observance,
6 performance or practice, and the victim did not consent or
7 under such circumstances that the defendant knew or should have
8 known that the victim was unable to render effective consent.

9 (b) Ritual mutilation does not include the practice of male
10 circumcision or a ceremony, rite, initiation, observance, or
11 performance related thereto. ~~Sentence. Ritual mutilation is a~~
12 ~~Class 2 felony.~~

13 (c) Sentence. Ritual mutilation is a Class 2 felony. ~~The~~
14 ~~offense ritual mutilation does not include the practice of male~~
15 ~~circumcision or a ceremony, rite, initiation, observance, or~~
16 ~~performance related thereto.~~

17 (Source: P.A. 90-88, eff. 1-1-98.)

18 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

19 Sec. 12-33. Ritualized abuse of a child.

20 (a) A person commits ~~is guilty of~~ ritualized abuse of a
21 child when he or she knowingly commits any of the following
22 acts with, upon, or in the presence of a child as part of a
23 ceremony, rite or any similar observance:

24 (1) actually or in simulation, tortures, mutilates, or
25 sacrifices any warm-blooded animal or human being;

1 (2) forces ingestion, injection or other application
2 of any narcotic, drug, hallucinogen or anaesthetic for the
3 purpose of dulling sensitivity, cognition, recollection
4 of, or resistance to any criminal activity;

5 (3) forces ingestion, or external application, of
6 human or animal urine, feces, flesh, blood, bones, body
7 secretions, nonprescribed drugs or chemical compounds;

8 (4) involves the child in a mock, unauthorized or
9 unlawful marriage ceremony with another person or
10 representation of any force or deity, followed by sexual
11 contact with the child;

12 (5) places a living child into a coffin or open grave
13 containing a human corpse or remains;

14 (6) threatens death or serious harm to a child, his or
15 her parents, family, pets, or friends that instills a
16 well-founded fear in the child that the threat will be
17 carried out; or

18 (7) unlawfully dissects, mutilates, or incinerates a
19 human corpse.

20 (b) The provisions of this Section shall not be construed
21 to apply to:

22 (1) lawful agricultural, animal husbandry, food
23 preparation, or wild game hunting and fishing practices and
24 specifically the branding or identification of livestock;

25 (2) the lawful medical practice of male circumcision or
26 any ceremony related to male circumcision;

1 (3) any state or federally approved, licensed, or
2 funded research project; or

3 (4) the ingestion of animal flesh or blood in the
4 performance of a religious service or ceremony.

5 (b-5) For the purposes of this Section, "child" means any
6 person under 18 years of age.

7 (c) Ritualized abuse of a child is a Class 1 felony for a
8 first offense. A second or subsequent conviction for ritualized
9 abuse of a child is a Class X felony for which the offender may
10 be sentenced to a term of natural life imprisonment.

11 (d) (Blank). ~~For the purposes of this Section, "child"~~
12 ~~means any person under 18 years of age.~~

13 (Source: P.A. 90-88, eff. 1-1-98.)

14 (720 ILCS 5/12-34)

15 Sec. 12-34. Female genital mutilation.

16 (a) Except as otherwise permitted in subsection (b),
17 whoever knowingly circumcises, excises, or infibulates, in
18 whole or in part, the labia majora, labia minora, or clitoris
19 of another commits ~~the offense of~~ female genital mutilation.
20 Consent to the procedure by a minor on whom it is performed or
21 by the minor's parent or guardian is not a defense to a
22 violation of this Section.

23 (b) A surgical procedure is not a violation of subsection
24 (a) if the procedure is performed by a physician licensed to
25 practice medicine in all its branches and:

1 (1) is necessary to the health of the person on whom it
2 is performed ~~and is performed by a physician licensed to~~
3 ~~practice medicine in all of its branches; or~~

4 (2) is performed on a person who is in labor or who has
5 just given birth and is performed for medical purposes
6 connected with that labor or birth ~~by a physician licensed~~
7 ~~to practice medicine in all of its branches.~~

8 (c) Sentence. Female genital mutilation is a Class X
9 felony.

10 (Source: P.A. 90-88, eff. 1-1-98.)

11 (720 ILCS 5/Art. 12, Subdiv. 25 heading new)

12 SUBDIVISION 25. OTHER HARM OFFENSES

13 (720 ILCS 5/12-34.5) (was 720 ILCS 5/12-31)

14 Sec. 12-34.5 ~~12-31~~. Inducement to commit suicide ~~Commit~~
15 ~~Suicide.~~

16 (a) A person commits ~~the offense of~~ inducement to commit
17 suicide when he or she does either of the following:

18 (1) Knowingly coerces ~~Coerces~~ another to commit
19 suicide and the other person commits or attempts to commit
20 suicide as a direct result of the coercion, and he or she
21 exercises substantial control over the other person
22 through (i) control of the other person's physical location
23 or circumstances; (ii) use of psychological pressure; or
24 (iii) use of actual or ostensible religious, political,

1 social, philosophical or other principles.

2 (2) With knowledge that another person intends to
3 commit or attempt to commit suicide, intentionally (i)
4 offers and provides the physical means by which another
5 person commits or attempts to commit suicide, or (ii)
6 participates in a physical act by which another person
7 commits or attempts to commit suicide.

8 For the purposes of this Section, "attempts to commit
9 suicide" means any act done with the intent to commit suicide
10 and which constitutes a substantial step toward commission of
11 suicide.

12 (b) Sentence. Inducement to commit suicide under paragraph
13 (a) (1) when the other person commits suicide as a direct result
14 of the coercion is a Class 2 felony. Inducement to commit
15 suicide under paragraph (a) (2) when the other person commits
16 suicide as a direct result of the assistance provided is a
17 Class 4 felony. Inducement to commit suicide under paragraph
18 (a) (1) when the other person attempts to commit suicide as a
19 direct result of the coercion is a Class 3 felony. Inducement
20 to commit suicide under paragraph (a) (2) when the other person
21 attempts to commit suicide as a direct result of the assistance
22 provided is a Class A misdemeanor.

23 (c) The lawful compliance or a good-faith attempt at lawful
24 compliance with the Illinois Living Will Act, the Health Care
25 Surrogate Act, or the Powers of Attorney for Health Care Law is
26 not inducement to commit suicide under paragraph (a) (2) of this

1 Section.

2 (Source: P.A. 87-1167; 88-392.)

3 (720 ILCS 5/12-35)

4 Sec. 12-35. Sexual conduct or sexual contact with an
5 animal.

6 (a) A person may not knowingly engage in any sexual conduct
7 or sexual contact with an animal.

8 (b) A person may not knowingly cause, aid, or abet another
9 person to engage in any sexual conduct or sexual contact with
10 an animal.

11 (c) A person may not knowingly permit any sexual conduct or
12 sexual contact with an animal to be conducted on any premises
13 under his or her charge or control.

14 (d) A person may not knowingly engage in, promote, aid, or
15 abet any activity involving any sexual conduct or sexual
16 contact with an animal for a commercial or recreational
17 purpose.

18 (e) Sentence. A person who violates this Section is guilty
19 of a Class 4 felony. A person who violates this Section in the
20 presence of a person under 18 years of age or causes the animal
21 serious physical injury or death is guilty of a Class 3 felony.

22 (f) In addition to the penalty imposed in subsection (e),
23 the court may order that the defendant do any of the following:

24 (1) Not harbor animals or reside in any household where
25 animals are present for a reasonable period of time or

1 permanently, if necessary.

2 (2) Relinquish and permanently forfeit all animals
3 residing in the household to a recognized or duly organized
4 animal shelter or humane society.

5 (3) Undergo a psychological evaluation and counseling
6 at defendant's expense.

7 (4) Reimburse the animal shelter or humane society for
8 any reasonable costs incurred for the care and maintenance
9 of the animal involved in the sexual conduct or sexual
10 contact in addition to any animals relinquished to the
11 animal shelter or humane society.

12 (g) Nothing in this Section shall be construed to prohibit
13 accepted animal husbandry practices or accepted veterinary
14 medical practices by a licensed veterinarian or certified
15 veterinary technician.

16 (h) If the court has reasonable grounds to believe that a
17 violation of this Section has occurred, the court may order the
18 seizure of all animals involved in the alleged violation as a
19 condition of bond of a person charged with a violation of this
20 Section.

21 (i) In this Section:

22 "Animal" means every creature, either alive or dead, other
23 than a human being.

24 "Sexual conduct" means any knowing touching or fondling by
25 a person, either directly or through clothing, of the sex
26 organs or anus of an animal or any transfer or transmission of

1 semen by the person upon any part of the animal, for the
2 purpose of sexual gratification or arousal of the person.

3 "Sexual contact" means any contact, however slight,
4 between the sex organ or anus of a person and the sex organ,
5 mouth, or anus of an animal, or any intrusion, however slight,
6 of any part of the body of the person into the sex organ or anus
7 of an animal, for the purpose of sexual gratification or
8 arousal of the person. Evidence of emission of semen is not
9 required to prove sexual contact.

10 (Source: P.A. 92-721, eff. 1-1-03.)

11 (720 ILCS 5/12-4.1 rep.)

12 (720 ILCS 5/12-4.2 rep.)

13 (720 ILCS 5/12-4.2-5 rep.)

14 (720 ILCS 5/12-4.3 rep.)

15 (720 ILCS 5/12-4.4 rep.)

16 (720 ILCS 5/12-4.6 rep.)

17 (720 ILCS 5/12-4.7 rep.)

18 (720 ILCS 5/12-4.8 rep.)

19 (720 ILCS 5/12-19 rep.)

20 (720 ILCS 5/12-21 rep.)

21 (720 ILCS 5/Art. 45 heading rep.)

22 Section 10. The Criminal Code of 1961 is amended by
23 repealing Sections 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
24 12-4.6, 12-4.7, 12-4.8, 12-19, and 12-21 and the heading of
25 Article 45.

1 Section 900. The Children and Family Services Act is
2 amended by changing Section 7 as follows:

3 (20 ILCS 505/7) (from Ch. 23, par. 5007)

4 Sec. 7. Placement of children; considerations.

5 (a) In placing any child under this Act, the Department
6 shall place such child, as far as possible, in the care and
7 custody of some individual holding the same religious belief as
8 the parents of the child, or with some child care facility
9 which is operated by persons of like religious faith as the
10 parents of such child.

11 (b) In placing a child under this Act, the Department may
12 place a child with a relative if the Department determines that
13 the relative will be able to adequately provide for the child's
14 safety and welfare based on the factors set forth in the
15 Department's rules governing relative placements, and that the
16 placement is consistent with the child's best interests, taking
17 into consideration the factors set out in subsection (4.05) of
18 Section 1-3 of the Juvenile Court Act of 1987.

19 When the Department first assumes custody of a child, in
20 placing that child under this Act, the Department shall make
21 reasonable efforts to identify and locate a relative who is
22 ready, willing, and able to care for the child. At a minimum,
23 these efforts shall be renewed each time the child requires a
24 placement change and it is appropriate for the child to be

1 cared for in a home environment. The Department must document
2 its efforts to identify and locate such a relative placement
3 and maintain the documentation in the child's case file.

4 If the Department determines that a placement with any
5 identified relative is not in the child's best interests or
6 that the relative does not meet the requirements to be a
7 relative caregiver, as set forth in Department rules or by
8 statute, the Department must document the basis for that
9 decision and maintain the documentation in the child's case
10 file.

11 If, pursuant to the Department's rules, any person files an
12 administrative appeal of the Department's decision not to place
13 a child with a relative, it is the Department's burden to prove
14 that the decision is consistent with the child's best
15 interests.

16 When the Department determines that the child requires
17 placement in an environment, other than a home environment, the
18 Department shall continue to make reasonable efforts to
19 identify and locate relatives to serve as visitation resources
20 for the child and potential future placement resources, except
21 when the Department determines that those efforts would be
22 futile or inconsistent with the child's best interests.

23 If the Department determines that efforts to identify and
24 locate relatives would be futile or inconsistent with the
25 child's best interests, the Department shall document the basis
26 of its determination and maintain the documentation in the

1 child's case file.

2 If the Department determines that an individual or a group
3 of relatives are inappropriate to serve as visitation resources
4 or possible placement resources, the Department shall document
5 the basis of its determination and maintain the documentation
6 in the child's case file.

7 When the Department determines that an individual or a
8 group of relatives are appropriate to serve as visitation
9 resources or possible future placement resources, the
10 Department shall document the basis of its determination,
11 maintain the documentation in the child's case file, create a
12 visitation or transition plan, or both, and incorporate the
13 visitation or transition plan, or both, into the child's case
14 plan. For the purpose of this subsection, any determination as
15 to the child's best interests shall include consideration of
16 the factors set out in subsection (4.05) of Section 1-3 of the
17 Juvenile Court Act of 1987.

18 The Department may not place a child with a relative, with
19 the exception of certain circumstances which may be waived as
20 defined by the Department in rules, if the results of a check
21 of the Law Enforcement Agencies Data System (LEADS) identifies
22 a prior criminal conviction of the relative or any adult member
23 of the relative's household for any of the following offenses
24 under the Criminal Code of 1961:

25 (1) murder;

26 (1.1) solicitation of murder;

- 1 (1.2) solicitation of murder for hire;
- 2 (1.3) intentional homicide of an unborn child;
- 3 (1.4) voluntary manslaughter of an unborn child;
- 4 (1.5) involuntary manslaughter;
- 5 (1.6) reckless homicide;
- 6 (1.7) concealment of a homicidal death;
- 7 (1.8) involuntary manslaughter of an unborn child;
- 8 (1.9) reckless homicide of an unborn child;
- 9 (1.10) drug-induced homicide;
- 10 (2) a sex offense under Article 11, except offenses
- 11 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 12 (3) kidnapping;
- 13 (3.1) aggravated unlawful restraint;
- 14 (3.2) forcible detention;
- 15 (3.3) aiding and abetting child abduction;
- 16 (4) aggravated kidnapping;
- 17 (5) child abduction;
- 18 (6) aggravated battery of a child as described in
- 19 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 20 (7) criminal sexual assault;
- 21 (8) aggravated criminal sexual assault;
- 22 (8.1) predatory criminal sexual assault of a child;
- 23 (9) criminal sexual abuse;
- 24 (10) aggravated sexual abuse;
- 25 (11) heinous battery as described in Section 12-4.1 or
- 26 subdivision (a) (2) of Section 12-3.05;

1 (12) aggravated battery with a firearm as described in
2 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
3 (e) (4) of Section 12-3.05;

4 (13) tampering with food, drugs, or cosmetics;

5 (14) drug-induced infliction of great bodily harm as
6 described in Section 12-4.7 or subdivision (g) (1) of
7 Section 12-3.05;

8 (15) aggravated stalking;

9 (16) home invasion;

10 (17) vehicular invasion;

11 (18) criminal transmission of HIV;

12 (19) criminal abuse or neglect of an elderly or
13 disabled person as described in Section 12-21 or subsection
14 (b) of Section 12-4.4a;

15 (20) child abandonment;

16 (21) endangering the life or health of a child;

17 (22) ritual mutilation;

18 (23) ritualized abuse of a child;

19 (24) an offense in any other state the elements of
20 which are similar and bear a substantial relationship to
21 any of the foregoing offenses.

22 For the purpose of this subsection, "relative" shall include
23 any person, 21 years of age or over, other than the parent, who
24 (i) is currently related to the child in any of the following
25 ways by blood or adoption: grandparent, sibling,
26 great-grandparent, uncle, aunt, nephew, niece, first cousin,

1 second cousin, godparent, great-uncle, or great-aunt; or (ii)
2 is the spouse of such a relative; or (iii) is the child's
3 step-father, step-mother, or adult step-brother or
4 step-sister; "relative" also includes a person related in any
5 of the foregoing ways to a sibling of a child, even though the
6 person is not related to the child, when the child and its
7 sibling are placed together with that person. For children who
8 have been in the guardianship of the Department, have been
9 adopted, and are subsequently returned to the temporary custody
10 or guardianship of the Department, a "relative" may also
11 include any person who would have qualified as a relative under
12 this paragraph prior to the adoption, but only if the
13 Department determines, and documents, that it would be in the
14 child's best interests to consider this person a relative,
15 based upon the factors for determining best interests set forth
16 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
17 of 1987. A relative with whom a child is placed pursuant to
18 this subsection may, but is not required to, apply for
19 licensure as a foster family home pursuant to the Child Care
20 Act of 1969; provided, however, that as of July 1, 1995, foster
21 care payments shall be made only to licensed foster family
22 homes pursuant to the terms of Section 5 of this Act.

23 (c) In placing a child under this Act, the Department shall
24 ensure that the child's health, safety, and best interests are
25 met. In rejecting placement of a child with an identified
26 relative, the Department shall ensure that the child's health,

1 safety, and best interests are met. In evaluating the best
2 interests of the child, the Department shall take into
3 consideration the factors set forth in subsection (4.05) of
4 Section 1-3 of the Juvenile Court Act of 1987.

5 The Department shall consider the individual needs of the
6 child and the capacity of the prospective foster or adoptive
7 parents to meet the needs of the child. When a child must be
8 placed outside his or her home and cannot be immediately
9 returned to his or her parents or guardian, a comprehensive,
10 individualized assessment shall be performed of that child at
11 which time the needs of the child shall be determined. Only if
12 race, color, or national origin is identified as a legitimate
13 factor in advancing the child's best interests shall it be
14 considered. Race, color, or national origin shall not be
15 routinely considered in making a placement decision. The
16 Department shall make special efforts for the diligent
17 recruitment of potential foster and adoptive families that
18 reflect the ethnic and racial diversity of the children for
19 whom foster and adoptive homes are needed. "Special efforts"
20 shall include contacting and working with community
21 organizations and religious organizations and may include
22 contracting with those organizations, utilizing local media
23 and other local resources, and conducting outreach activities.

24 (c-1) At the time of placement, the Department shall
25 consider concurrent planning, as described in subsection (1-1)
26 of Section 5, so that permanency may occur at the earliest

1 opportunity. Consideration should be given so that if
2 reunification fails or is delayed, the placement made is the
3 best available placement to provide permanency for the child.

4 (d) The Department may accept gifts, grants, offers of
5 services, and other contributions to use in making special
6 recruitment efforts.

7 (e) The Department in placing children in adoptive or
8 foster care homes may not, in any policy or practice relating
9 to the placement of children for adoption or foster care,
10 discriminate against any child or prospective adoptive or
11 foster parent on the basis of race.

12 (Source: P.A. 94-880, eff. 8-1-06.)

13 Section 905. The Criminal Identification Act is amended by
14 changing Sections 2.1 and 5.2 as follows:

15 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

16 Sec. 2.1. For the purpose of maintaining complete and
17 accurate criminal records of the Department of State Police, it
18 is necessary for all policing bodies of this State, the clerk
19 of the circuit court, the Illinois Department of Corrections,
20 the sheriff of each county, and State's Attorney of each county
21 to submit certain criminal arrest, charge, and disposition
22 information to the Department for filing at the earliest time
23 possible. Unless otherwise noted herein, it shall be the duty
24 of all policing bodies of this State, the clerk of the circuit

1 court, the Illinois Department of Corrections, the sheriff of
2 each county, and the State's Attorney of each county to report
3 such information as provided in this Section, both in the form
4 and manner required by the Department and within 30 days of the
5 criminal history event. Specifically:

6 (a) Arrest Information. All agencies making arrests for
7 offenses which are required by statute to be collected,
8 maintained or disseminated by the Department of State Police
9 shall be responsible for furnishing daily to the Department
10 fingerprints, charges and descriptions of all persons who are
11 arrested for such offenses. All such agencies shall also notify
12 the Department of all decisions by the arresting agency not to
13 refer such arrests for prosecution. With approval of the
14 Department, an agency making such arrests may enter into
15 arrangements with other agencies for the purpose of furnishing
16 daily such fingerprints, charges and descriptions to the
17 Department upon its behalf.

18 (b) Charge Information. The State's Attorney of each county
19 shall notify the Department of all charges filed and all
20 petitions filed alleging that a minor is delinquent, including
21 all those added subsequent to the filing of a case, and whether
22 charges were not filed in cases for which the Department has
23 received information required to be reported pursuant to
24 paragraph (a) of this Section. With approval of the Department,
25 the State's Attorney may enter into arrangements with other
26 agencies for the purpose of furnishing the information required

1 by this subsection (b) to the Department upon the State's
2 Attorney's behalf.

3 (c) Disposition Information. The clerk of the circuit court
4 of each county shall furnish the Department, in the form and
5 manner required by the Supreme Court, with all final
6 dispositions of cases for which the Department has received
7 information required to be reported pursuant to paragraph (a)
8 or (d) of this Section. Such information shall include, for
9 each charge, all (1) judgments of not guilty, judgments of
10 guilty including the sentence pronounced by the court, findings
11 that a minor is delinquent and any sentence made based on those
12 findings, discharges and dismissals in the court; (2) reviewing
13 court orders filed with the clerk of the circuit court which
14 reverse or remand a reported conviction or findings that a
15 minor is delinquent or that vacate or modify a sentence or
16 sentence made following a trial that a minor is delinquent; (3)
17 continuances to a date certain in furtherance of an order of
18 supervision granted under Section 5-6-1 of the Unified Code of
19 Corrections or an order of probation granted under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, Section 70 of the Methamphetamine
22 Control and Community Protection Act, Section 12-4.3 or
23 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of
24 1961, Section 10-102 of the Illinois Alcoholism and Other Drug
25 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
26 Abuse and Dependency Act, Section 10 of the Steroid Control

1 Act, or Section 5-615 of the Juvenile Court Act of 1987; and
2 (4) judgments or court orders terminating or revoking a
3 sentence to or juvenile disposition of probation, supervision
4 or conditional discharge and any resentencing or new court
5 orders entered by a juvenile court relating to the disposition
6 of a minor's case involving delinquency after such revocation.

7 (d) Fingerprints After Sentencing.

8 (1) After the court pronounces sentence, sentences a
9 minor following a trial in which a minor was found to be
10 delinquent or issues an order of supervision or an order of
11 probation granted under Section 10 of the Cannabis Control
12 Act, Section 410 of the Illinois Controlled Substances Act,
13 Section 70 of the Methamphetamine Control and Community
14 Protection Act, Section 12-4.3 or subdivision (b)(1) of
15 Section 12-3.05 of the Criminal Code of 1961, Section
16 10-102 of the Illinois Alcoholism and Other Drug Dependency
17 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
18 and Dependency Act, Section 10 of the Steroid Control Act,
19 or Section 5-615 of the Juvenile Court Act of 1987 for any
20 offense which is required by statute to be collected,
21 maintained, or disseminated by the Department of State
22 Police, the State's Attorney of each county shall ask the
23 court to order a law enforcement agency to fingerprint
24 immediately all persons appearing before the court who have
25 not previously been fingerprinted for the same case. The
26 court shall so order the requested fingerprinting, if it

1 determines that any such person has not previously been
2 fingerprinted for the same case. The law enforcement agency
3 shall submit such fingerprints to the Department daily.

4 (2) After the court pronounces sentence or makes a
5 disposition of a case following a finding of delinquency
6 for any offense which is not required by statute to be
7 collected, maintained, or disseminated by the Department
8 of State Police, the prosecuting attorney may ask the court
9 to order a law enforcement agency to fingerprint
10 immediately all persons appearing before the court who have
11 not previously been fingerprinted for the same case. The
12 court may so order the requested fingerprinting, if it
13 determines that any so sentenced person has not previously
14 been fingerprinted for the same case. The law enforcement
15 agency may retain such fingerprints in its files.

16 (e) Corrections Information. The Illinois Department of
17 Corrections and the sheriff of each county shall furnish the
18 Department with all information concerning the receipt,
19 escape, execution, death, release, pardon, parole, commutation
20 of sentence, granting of executive clemency or discharge of an
21 individual who has been sentenced or committed to the agency's
22 custody for any offenses which are mandated by statute to be
23 collected, maintained or disseminated by the Department of
24 State Police. For an individual who has been charged with any
25 such offense and who escapes from custody or dies while in
26 custody, all information concerning the receipt and escape or

1 death, whichever is appropriate, shall also be so furnished to
2 the Department.

3 (Source: P.A. 94-556, eff. 9-11-05.)

4 (20 ILCS 2630/5.2)

5 Sec. 5.2. Expungement and sealing.

6 (a) General Provisions.

7 (1) Definitions. In this Act, words and phrases have
8 the meanings set forth in this subsection, except when a
9 particular context clearly requires a different meaning.

10 (A) The following terms shall have the meanings
11 ascribed to them in the Unified Code of Corrections,
12 730 ILCS 5/5-1-2 through 5/5-1-22:

- 13 (i) Business Offense (730 ILCS 5/5-1-2),
14 (ii) Charge (730 ILCS 5/5-1-3),
15 (iii) Court (730 ILCS 5/5-1-6),
16 (iv) Defendant (730 ILCS 5/5-1-7),
17 (v) Felony (730 ILCS 5/5-1-9),
18 (vi) Imprisonment (730 ILCS 5/5-1-10),
19 (vii) Judgment (730 ILCS 5/5-1-12),
20 (viii) Misdemeanor (730 ILCS 5/5-1-14),
21 (ix) Offense (730 ILCS 5/5-1-15),
22 (x) Parole (730 ILCS 5/5-1-16),
23 (xi) Petty Offense (730 ILCS 5/5-1-17),
24 (xii) Probation (730 ILCS 5/5-1-18),
25 (xiii) Sentence (730 ILCS 5/5-1-19),

1 (xiv) Supervision (730 ILCS 5/5-1-21), and

2 (xv) Victim (730 ILCS 5/5-1-22).

3 (B) As used in this Section, "charge not initiated
4 by arrest" means a charge (as defined by 730 ILCS
5 5/5-1-3) brought against a defendant where the
6 defendant is not arrested prior to or as a direct
7 result of the charge.

8 (C) "Conviction" means a judgment of conviction or
9 sentence entered upon a plea of guilty or upon a
10 verdict or finding of guilty of an offense, rendered by
11 a legally constituted jury or by a court of competent
12 jurisdiction authorized to try the case without a jury.
13 An order of supervision successfully completed by the
14 petitioner is not a conviction. An order of qualified
15 probation (as defined in subsection (a)(1)(J))
16 successfully completed by the petitioner is not a
17 conviction. An order of supervision or an order of
18 qualified probation that is terminated
19 unsatisfactorily is a conviction, unless the
20 unsatisfactory termination is reversed, vacated, or
21 modified and the judgment of conviction, if any, is
22 reversed or vacated.

23 (D) "Criminal offense" means a petty offense,
24 business offense, misdemeanor, felony, or municipal
25 ordinance violation (as defined in subsection
26 (a)(1)(H)). As used in this Section, a minor traffic

1 offense (as defined in subsection (a)(1)(G)) shall not
2 be considered a criminal offense.

3 (E) "Expunge" means to physically destroy the
4 records or return them to the petitioner and to
5 obliterate the petitioner's name from any official
6 index or public record, or both. Nothing in this Act
7 shall require the physical destruction of the circuit
8 court file, but such records relating to arrests or
9 charges, or both, ordered expunged shall be impounded
10 as required by subsections (d)(9)(A)(ii) and
11 (d)(9)(B)(ii).

12 (F) As used in this Section, "last sentence" means
13 the sentence, order of supervision, or order of
14 qualified probation (as defined by subsection
15 (a)(1)(J)), for a criminal offense (as defined by
16 subsection (a)(1)(D)) that terminates last in time in
17 any jurisdiction, regardless of whether the petitioner
18 has included the criminal offense for which the
19 sentence or order of supervision or qualified
20 probation was imposed in his or her petition. If
21 multiple sentences, orders of supervision, or orders
22 of qualified probation terminate on the same day and
23 are last in time, they shall be collectively considered
24 the "last sentence" regardless of whether they were
25 ordered to run concurrently.

26 (G) "Minor traffic offense" means a petty offense,

1 business offense, or Class C misdemeanor under the
2 Illinois Vehicle Code or a similar provision of a
3 municipal or local ordinance.

4 (H) "Municipal ordinance violation" means an
5 offense defined by a municipal or local ordinance that
6 is criminal in nature and with which the petitioner was
7 charged or for which the petitioner was arrested and
8 released without charging.

9 (I) "Petitioner" means an adult or a minor
10 prosecuted as an adult who has applied for relief under
11 this Section.

12 (J) "Qualified probation" means an order of
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act,
15 Section 70 of the Methamphetamine Control and
16 Community Protection Act, Section 12-4.3(b)(1) and (2)
17 of the Criminal Code of 1961 (as those provisions
18 existed before their deletion by Public Act 89-313),
19 Section 10-102 of the Illinois Alcoholism and Other
20 Drug Dependency Act, Section 40-10 of the Alcoholism
21 and Other Drug Abuse and Dependency Act, or Section 10
22 of the Steroid Control Act. For the purpose of this
23 Section, "successful completion" of an order of
24 qualified probation under Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act and
26 Section 40-10 of the Alcoholism and Other Drug Abuse

1 and Dependency Act means that the probation was
2 terminated satisfactorily and the judgment of
3 conviction was vacated.

4 (K) "Seal" means to physically and electronically
5 maintain the records, unless the records would
6 otherwise be destroyed due to age, but to make the
7 records unavailable without a court order, subject to
8 the exceptions in Sections 12 and 13 of this Act. The
9 petitioner's name shall also be obliterated from the
10 official index required to be kept by the circuit court
11 clerk under Section 16 of the Clerks of Courts Act, but
12 any index issued by the circuit court clerk before the
13 entry of the order to seal shall not be affected.

14 (L) "Sexual offense committed against a minor"
15 includes but is not limited to the offenses of indecent
16 solicitation of a child or criminal sexual abuse when
17 the victim of such offense is under 18 years of age.

18 (M) "Terminate" as it relates to a sentence or
19 order of supervision or qualified probation includes
20 either satisfactory or unsatisfactory termination of
21 the sentence, unless otherwise specified in this
22 Section.

23 (2) Minor Traffic Offenses. Orders of supervision or
24 convictions for minor traffic offenses shall not affect a
25 petitioner's eligibility to expunge or seal records
26 pursuant to this Section.

1 (3) Exclusions. Except as otherwise provided in
2 subsections (b)(5), (b)(6), and (e) of this Section, the
3 court shall not order:

4 (A) the sealing or expungement of the records of
5 arrests or charges not initiated by arrest that result
6 in an order of supervision for or conviction of: (i)
7 any sexual offense committed against a minor; (ii)
8 Section 11-501 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance; or (iii)
10 Section 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance.

12 (B) the sealing or expungement of records of minor
13 traffic offenses (as defined in subsection (a)(1)(G)),
14 unless the petitioner was arrested and released
15 without charging.

16 (C) the sealing of the records of arrests or
17 charges not initiated by arrest which result in an
18 order of supervision, an order of qualified probation
19 (as defined in subsection (a)(1)(J)), or a conviction
20 for the following offenses:

21 (i) offenses included in Article 11 of the
22 Criminal Code of 1961 or a similar provision of a
23 local ordinance, except Section 11-14 of the
24 Criminal Code of 1961 or a similar provision of a
25 local ordinance;

26 (ii) Section 12-3.4, 12-15, 12-30, or 26-5 of

1 the Criminal Code of 1961 or a similar provision of
2 a local ordinance;

3 (iii) offenses defined as "crimes of violence"
4 in Section 2 of the Crime Victims Compensation Act
5 or a similar provision of a local ordinance;

6 (iv) offenses which are Class A misdemeanors
7 under the Humane Care for Animals Act; or

8 (v) any offense or attempted offense that
9 would subject a person to registration under the
10 Sex Offender Registration Act.

11 (D) the sealing of the records of an arrest which
12 results in the petitioner being charged with a felony
13 offense or records of a charge not initiated by arrest
14 for a felony offense, regardless of the disposition,
15 unless:

16 (i) the charge is amended to a misdemeanor and
17 is otherwise eligible to be sealed pursuant to
18 subsection (c);

19 (ii) the charge is brought along with another
20 charge as a part of one case and the charge results
21 in acquittal, dismissal, or conviction when the
22 conviction was reversed or vacated, and another
23 charge brought in the same case results in a
24 disposition for a misdemeanor offense that is
25 eligible to be sealed pursuant to subsection (c) or
26 a disposition listed in paragraph (i), (iii) or

1 (iv) of this subsection;

2 (iii) the charge results in first offender
3 probation as set forth in subsection (c)(2)(E); or

4 (iv) the charge is for a Class 4 felony offense
5 listed in subsection (c)(2)(F) or the charge is
6 amended to a Class 4 felony offense listed in
7 subsection (c)(2)(F). Records of arrests which
8 result in the petitioner being charged with a Class
9 4 felony offense listed in subsection (c)(2)(F),
10 records of charges not initiated by arrest for
11 Class 4 felony offenses listed in subsection
12 (c)(2)(F), and records of charges amended to a
13 Class 4 felony offense listed in (c)(2)(F) may be
14 sealed, regardless of the disposition, subject to
15 any waiting periods set forth in subsection
16 (c)(3).

17 (b) Expungement.

18 (1) A petitioner may petition the circuit court to
19 expunge the records of his or her arrests and charges not
20 initiated by arrest when:

21 (A) He or she has never been convicted of a
22 criminal offense; and

23 (B) Each arrest or charge not initiated by arrest
24 sought to be expunged resulted in: (i) acquittal,
25 dismissal, or the petitioner's release without
26 charging, unless excluded by subsection (a)(3)(B);

1 (ii) a conviction which was vacated or reversed, unless
2 excluded by subsection (a)(3)(B); (iii) an order of
3 supervision and such supervision was successfully
4 completed by the petitioner, unless excluded by
5 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
6 qualified probation (as defined in subsection
7 (a)(1)(J)) and such probation was successfully
8 completed by the petitioner.

9 (2) Time frame for filing a petition to expunge.

10 (A) When the arrest or charge not initiated by
11 arrest sought to be expunged resulted in an acquittal,
12 dismissal, the petitioner's release without charging,
13 or the reversal or vacation of a conviction, there is
14 no waiting period to petition for the expungement of
15 such records.

16 (B) When the arrest or charge not initiated by
17 arrest sought to be expunged resulted in an order of
18 supervision, successfully completed by the petitioner,
19 the following time frames will apply:

20 (i) Those arrests or charges that resulted in
21 orders of supervision under Section 3-707, 3-708,
22 3-710, or 5-401.3 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance, or under
24 Section 12-3.2, 12-15 or 16A-3 of the Criminal Code
25 of 1961 or a similar provision of a local
26 ordinance, shall not be eligible for expungement

1 until 5 years have passed following the
2 satisfactory termination of the supervision.

3 (ii) Those arrests or charges that resulted in
4 orders of supervision for any other offenses shall
5 not be eligible for expungement until 2 years have
6 passed following the satisfactory termination of
7 the supervision.

8 (C) When the arrest or charge not initiated by
9 arrest sought to be expunged resulted in an order of
10 qualified probation, successfully completed by the
11 petitioner, such records shall not be eligible for
12 expungement until 5 years have passed following the
13 satisfactory termination of the probation.

14 (3) Those records maintained by the Department for
15 persons arrested prior to their 17th birthday shall be
16 expunged as provided in Section 5-915 of the Juvenile Court
17 Act of 1987.

18 (4) Whenever a person has been arrested for or
19 convicted of any offense, in the name of a person whose
20 identity he or she has stolen or otherwise come into
21 possession of, the aggrieved person from whom the identity
22 was stolen or otherwise obtained without authorization,
23 upon learning of the person having been arrested using his
24 or her identity, may, upon verified petition to the chief
25 judge of the circuit wherein the arrest was made, have a
26 court order entered nunc pro tunc by the Chief Judge to

1 correct the arrest record, conviction record, if any, and
2 all official records of the arresting authority, the
3 Department, other criminal justice agencies, the
4 prosecutor, and the trial court concerning such arrest, if
5 any, by removing his or her name from all such records in
6 connection with the arrest and conviction, if any, and by
7 inserting in the records the name of the offender, if known
8 or ascertainable, in lieu of the aggrieved's name. The
9 records of the circuit court clerk shall be sealed until
10 further order of the court upon good cause shown and the
11 name of the aggrieved person obliterated on the official
12 index required to be kept by the circuit court clerk under
13 Section 16 of the Clerks of Courts Act, but the order shall
14 not affect any index issued by the circuit court clerk
15 before the entry of the order. Nothing in this Section
16 shall limit the Department of State Police or other
17 criminal justice agencies or prosecutors from listing
18 under an offender's name the false names he or she has
19 used.

20 (5) Whenever a person has been convicted of criminal
21 sexual assault, aggravated criminal sexual assault,
22 predatory criminal sexual assault of a child, criminal
23 sexual abuse, or aggravated criminal sexual abuse, the
24 victim of that offense may request that the State's
25 Attorney of the county in which the conviction occurred
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to
2 seal the records of the circuit court clerk in connection
3 with the proceedings of the trial court concerning that
4 offense. However, the records of the arresting authority
5 and the Department of State Police concerning the offense
6 shall not be sealed. The court, upon good cause shown,
7 shall make the records of the circuit court clerk in
8 connection with the proceedings of the trial court
9 concerning the offense available for public inspection.

10 (6) If a conviction has been set aside on direct review
11 or on collateral attack and the court determines by clear
12 and convincing evidence that the petitioner was factually
13 innocent of the charge, the court shall enter an
14 expungement order as provided in subsection (b) of Section
15 5-5-4 of the Unified Code of Corrections.

16 (7) Nothing in this Section shall prevent the
17 Department of State Police from maintaining all records of
18 any person who is admitted to probation upon terms and
19 conditions and who fulfills those terms and conditions
20 pursuant to Section 10 of the Cannabis Control Act, Section
21 410 of the Illinois Controlled Substances Act, Section 70
22 of the Methamphetamine Control and Community Protection
23 Act, Section 12-4.3 or subdivision (b)(1) of Section
24 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
25 Illinois Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and Dependency

1 Act, or Section 10 of the Steroid Control Act.

2 (c) Sealing.

3 (1) Applicability. Notwithstanding any other provision
4 of this Act to the contrary, and cumulative with any rights
5 to expungement of criminal records, this subsection
6 authorizes the sealing of criminal records of adults and of
7 minors prosecuted as adults.

8 (2) Eligible Records. The following records may be
9 sealed:

10 (A) All arrests resulting in release without
11 charging;

12 (B) Arrests or charges not initiated by arrest
13 resulting in acquittal, dismissal, or conviction when
14 the conviction was reversed or vacated, except as
15 excluded by subsection (a) (3) (B) or (a) (3) (D);

16 (C) Arrests or charges not initiated by arrest
17 resulting in orders of supervision successfully
18 completed by the petitioner, unless excluded by
19 subsection (a) (3);

20 (D) Arrests or charges not initiated by arrest
21 resulting in convictions unless excluded by subsection
22 (a) (3);

23 (E) Arrests or charges not initiated by arrest
24 resulting in orders of first offender probation under
25 Section 10 of the Cannabis Control Act, Section 410 of
26 the Illinois Controlled Substances Act, or Section 70

1 of the Methamphetamine Control and Community
2 Protection Act; and

3 (F) Arrests or charges not initiated by arrest
4 resulting in Class 4 felony convictions for the
5 following offenses:

6 (i) Section 11-14 of the Criminal Code of 1961;

7 (ii) Section 4 of the Cannabis Control Act;

8 (iii) Section 402 of the Illinois Controlled
9 Substances Act;

10 (iv) the Methamphetamine Precursor Control
11 Act; and

12 (v) the Steroid Control Act.

13 (3) When Records Are Eligible to Be Sealed. Records
14 identified as eligible under subsection (c)(2) may be
15 sealed as follows:

16 (A) Records identified as eligible under
17 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
18 time.

19 (B) Records identified as eligible under
20 subsection (c)(2)(C) may be sealed (i) 3 years after
21 the termination of petitioner's last sentence (as
22 defined in subsection (a)(1)(F)) if the petitioner has
23 never been convicted of a criminal offense (as defined
24 in subsection (a)(1)(D)); or (ii) 4 years after the
25 termination of the petitioner's last sentence (as
26 defined in subsection (a)(1)(F)) if the petitioner has

1 ever been convicted of a criminal offense (as defined
2 in subsection (a) (1) (D)).

3 (C) Records identified as eligible under
4 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be
5 sealed 4 years after the termination of the
6 petitioner's last sentence (as defined in subsection
7 (a) (1) (F)).

8 (4) Subsequent felony convictions. A person may not
9 have subsequent felony conviction records sealed as
10 provided in this subsection (c) if he or she is convicted
11 of any felony offense after the date of the sealing of
12 prior felony convictions as provided in this subsection
13 (c). The court may, upon conviction for a subsequent felony
14 offense, order the unsealing of prior felony conviction
15 records previously ordered sealed by the court.

16 (5) Notice of eligibility for sealing. Upon entry of a
17 disposition for an eligible record under this subsection
18 (c), the petitioner shall be informed by the court of the
19 right to have the records sealed and the procedures for the
20 sealing of the records.

21 (d) Procedure. The following procedures apply to
22 expungement under subsections (b) and (e), and sealing under
23 subsection (c):

24 (1) Filing the petition. Upon becoming eligible to
25 petition for the expungement or sealing of records under
26 this Section, the petitioner shall file a petition

1 requesting the expungement or sealing of records with the
2 clerk of the court where the arrests occurred or the
3 charges were brought, or both. If arrests occurred or
4 charges were brought in multiple jurisdictions, a petition
5 must be filed in each such jurisdiction. The petitioner
6 shall pay the applicable fee, if not waived.

7 (2) Contents of petition. The petition shall be
8 verified and shall contain the petitioner's name, date of
9 birth, current address and, for each arrest or charge not
10 initiated by arrest sought to be sealed or expunged, the
11 case number, the date of arrest (if any), the identity of
12 the arresting authority, and such other information as the
13 court may require. During the pendency of the proceeding,
14 the petitioner shall promptly notify the circuit court
15 clerk of any change of his or her address.

16 (3) Drug test. The petitioner must attach to the
17 petition proof that the petitioner has passed a test taken
18 within 30 days before the filing of the petition showing
19 the absence within his or her body of all illegal
20 substances as defined by the Illinois Controlled
21 Substances Act, the Methamphetamine Control and Community
22 Protection Act, and the Cannabis Control Act if he or she
23 is petitioning to seal felony records pursuant to clause
24 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
25 petitioning to expunge felony records of a qualified
26 probation pursuant to clause (b) (1) (B) (iv).

1 (4) Service of petition. The circuit court clerk shall
2 promptly serve a copy of the petition on the State's
3 Attorney or prosecutor charged with the duty of prosecuting
4 the offense, the Department of State Police, the arresting
5 agency and the chief legal officer of the unit of local
6 government effecting the arrest.

7 (5) Objections.

8 (A) Any party entitled to notice of the petition
9 may file an objection to the petition. All objections
10 shall be in writing, shall be filed with the circuit
11 court clerk, and shall state with specificity the basis
12 of the objection.

13 (B) Objections to a petition to expunge or seal
14 must be filed within 60 days of the date of service of
15 the petition.

16 (6) Entry of order.

17 (A) The Chief Judge of the circuit wherein the
18 charge was brought, any judge of that circuit
19 designated by the Chief Judge, or in counties of less
20 than 3,000,000 inhabitants, the presiding trial judge
21 at the petitioner's trial, if any, shall rule on the
22 petition to expunge or seal as set forth in this
23 subsection (d) (6).

24 (B) Unless the State's Attorney or prosecutor, the
25 Department of State Police, the arresting agency, or
26 the chief legal officer files an objection to the

1 petition to expunge or seal within 60 days from the
2 date of service of the petition, the court shall enter
3 an order granting or denying the petition.

4 (7) Hearings. If an objection is filed, the court shall
5 set a date for a hearing and notify the petitioner and all
6 parties entitled to notice of the petition of the hearing
7 date at least 30 days prior to the hearing, and shall hear
8 evidence on whether the petition should or should not be
9 granted, and shall grant or deny the petition to expunge or
10 seal the records based on the evidence presented at the
11 hearing.

12 (8) Service of order. After entering an order to
13 expunge or seal records, the court must provide copies of
14 the order to the Department, in a form and manner
15 prescribed by the Department, to the petitioner, to the
16 State's Attorney or prosecutor charged with the duty of
17 prosecuting the offense, to the arresting agency, to the
18 chief legal officer of the unit of local government
19 effecting the arrest, and to such other criminal justice
20 agencies as may be ordered by the court.

21 (9) Effect of order.

22 (A) Upon entry of an order to expunge records
23 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

24 (i) the records shall be expunged (as defined
25 in subsection (a) (1) (E)) by the arresting agency,
26 the Department, and any other agency as ordered by

1 the court, within 60 days of the date of service of
2 the order, unless a motion to vacate, modify, or
3 reconsider the order is filed pursuant to
4 paragraph (12) of subsection (d) of this Section;

5 (ii) the records of the circuit court clerk
6 shall be impounded until further order of the court
7 upon good cause shown and the name of the
8 petitioner obliterated on the official index
9 required to be kept by the circuit court clerk
10 under Section 16 of the Clerks of Courts Act, but
11 the order shall not affect any index issued by the
12 circuit court clerk before the entry of the order;
13 and

14 (iii) in response to an inquiry for expunged
15 records, the court, the Department, or the agency
16 receiving such inquiry, shall reply as it does in
17 response to inquiries when no records ever
18 existed.

19 (B) Upon entry of an order to expunge records
20 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

21 (i) the records shall be expunged (as defined
22 in subsection (a) (1) (E)) by the arresting agency
23 and any other agency as ordered by the court,
24 within 60 days of the date of service of the order,
25 unless a motion to vacate, modify, or reconsider
26 the order is filed pursuant to paragraph (12) of

1 subsection (d) of this Section;

2 (ii) the records of the circuit court clerk
3 shall be impounded until further order of the court
4 upon good cause shown and the name of the
5 petitioner obliterated on the official index
6 required to be kept by the circuit court clerk
7 under Section 16 of the Clerks of Courts Act, but
8 the order shall not affect any index issued by the
9 circuit court clerk before the entry of the order;

10 (iii) the records shall be impounded by the
11 Department within 60 days of the date of service of
12 the order as ordered by the court, unless a motion
13 to vacate, modify, or reconsider the order is filed
14 pursuant to paragraph (12) of subsection (d) of
15 this Section;

16 (iv) records impounded by the Department may
17 be disseminated by the Department only as required
18 by law or to the arresting authority, the State's
19 Attorney, and the court upon a later arrest for the
20 same or a similar offense or for the purpose of
21 sentencing for any subsequent felony, and to the
22 Department of Corrections upon conviction for any
23 offense; and

24 (v) in response to an inquiry for such records
25 from anyone not authorized by law to access such
26 records the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in
2 response to inquiries when no records ever
3 existed.

4 (C) Upon entry of an order to seal records under
5 subsection (c), the arresting agency, any other agency
6 as ordered by the court, the Department, and the court
7 shall seal the records (as defined in subsection
8 (a)(1)(K)). In response to an inquiry for such records
9 from anyone not authorized by law to access such
10 records the court, the Department, or the agency
11 receiving such inquiry shall reply as it does in
12 response to inquiries when no records ever existed.

13 (10) Fees. The Department may charge the petitioner a
14 fee equivalent to the cost of processing any order to
15 expunge or seal records. Notwithstanding any provision of
16 the Clerks of Courts Act to the contrary, the circuit court
17 clerk may charge a fee equivalent to the cost associated
18 with the sealing or expungement of records by the circuit
19 court clerk. From the total filing fee collected for the
20 petition to seal or expunge, the circuit court clerk shall
21 deposit \$10 into the Circuit Court Clerk Operation and
22 Administrative Fund, to be used to offset the costs
23 incurred by the circuit court clerk in performing the
24 additional duties required to serve the petition to seal or
25 expunge on all parties. The circuit court clerk shall
26 collect and forward the Department of State Police portion

1 of the fee to the Department and it shall be deposited in
2 the State Police Services Fund.

3 (11) Final Order. No court order issued under the
4 expungement or sealing provisions of this Section shall
5 become final for purposes of appeal until 30 days after
6 service of the order on the petitioner and all parties
7 entitled to notice of the petition.

8 (12) Motion to Vacate, Modify, or Reconsider. The
9 petitioner or any party entitled to notice may file a
10 motion to vacate, modify, or reconsider the order granting
11 or denying the petition to expunge or seal within 60 days
12 of service of the order.

13 (e) Whenever a person who has been convicted of an offense
14 is granted a pardon by the Governor which specifically
15 authorizes expungement, he or she may, upon verified petition
16 to the Chief Judge of the circuit where the person had been
17 convicted, any judge of the circuit designated by the Chief
18 Judge, or in counties of less than 3,000,000 inhabitants, the
19 presiding trial judge at the defendant's trial, have a court
20 order entered expunging the record of arrest from the official
21 records of the arresting authority and order that the records
22 of the circuit court clerk and the Department be sealed until
23 further order of the court upon good cause shown or as
24 otherwise provided herein, and the name of the defendant
25 obliterated from the official index requested to be kept by the
26 circuit court clerk under Section 16 of the Clerks of Courts

1 Act in connection with the arrest and conviction for the
2 offense for which he or she had been pardoned but the order
3 shall not affect any index issued by the circuit court clerk
4 before the entry of the order. All records sealed by the
5 Department may be disseminated by the Department only as
6 required by law or to the arresting authority, the State's
7 Attorney, and the court upon a later arrest for the same or
8 similar offense or for the purpose of sentencing for any
9 subsequent felony. Upon conviction for any subsequent offense,
10 the Department of Corrections shall have access to all sealed
11 records of the Department pertaining to that individual. Upon
12 entry of the order of expungement, the circuit court clerk
13 shall promptly mail a copy of the order to the person who was
14 pardoned.

15 (f) Subject to available funding, the Illinois Department
16 of Corrections shall conduct a study of the impact of sealing,
17 especially on employment and recidivism rates, utilizing a
18 random sample of those who apply for the sealing of their
19 criminal records under Public Act 93-211. At the request of the
20 Illinois Department of Corrections, records of the Illinois
21 Department of Employment Security shall be utilized as
22 appropriate to assist in the study. The study shall not
23 disclose any data in a manner that would allow the
24 identification of any particular individual or employing unit.
25 The study shall be made available to the General Assembly no
26 later than September 1, 2010.

1 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10.)

2 Section 910. The Illinois Uniform Conviction Information
3 Act is amended by changing Section 3 as follows:

4 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

5 Sec. 3. Definitions. Whenever used in this Act, and for the
6 purposes of this Act, unless the context clearly indicates
7 otherwise:

8 (A) "Accurate" means factually correct, containing no
9 mistake or error of a material nature.

10 (B) The phrase "administer the criminal laws" includes any
11 of the following activities: intelligence gathering,
12 surveillance, criminal investigation, crime detection and
13 prevention (including research), apprehension, detention,
14 pretrial or post-trial release, prosecution, the correctional
15 supervision or rehabilitation of accused persons or criminal
16 offenders, criminal identification activities, or the
17 collection, maintenance or dissemination of criminal history
18 record information.

19 (C) "The Authority" means the Illinois Criminal Justice
20 Information Authority.

21 (D) "Automated" means the utilization of computers,
22 telecommunication lines, or other automatic data processing
23 equipment for data collection or storage, analysis,
24 processing, preservation, maintenance, dissemination, or

1 display and is distinguished from a system in which such
2 activities are performed manually.

3 (E) "Complete" means accurately reflecting all the
4 criminal history record information about an individual that is
5 required to be reported to the Department pursuant to Section
6 2.1 of the Criminal Identification Act.

7 (F) "Conviction information" means data reflecting a
8 judgment of guilt or nolo contendere. The term includes all
9 prior and subsequent criminal history events directly relating
10 to such judgments, such as, but not limited to: (1) the
11 notation of arrest; (2) the notation of charges filed; (3) the
12 sentence imposed; (4) the fine imposed; and (5) all related
13 probation, parole, and release information. Information ceases
14 to be "conviction information" when a judgment of guilt is
15 reversed or vacated.

16 For purposes of this Act, continuances to a date certain in
17 furtherance of an order of supervision granted under Section
18 5-6-1 of the Unified Code of Corrections or an order of
19 probation granted under either Section 10 of the Cannabis
20 Control Act, Section 410 of the Illinois Controlled Substances
21 Act, Section 70 of the Methamphetamine Control and Community
22 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section
23 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
24 Illinois Alcoholism and Other Drug Dependency Act, Section
25 40-10 of the Alcoholism and Other Drug Abuse and Dependency
26 Act, or Section 10 of the Steroid Control Act shall not be

1 deemed "conviction information".

2 (G) "Criminal history record information" means data
3 identifiable to an individual and consisting of descriptions or
4 notations of arrests, detentions, indictments, informations,
5 pretrial proceedings, trials, or other formal events in the
6 criminal justice system or descriptions or notations of
7 criminal charges (including criminal violations of local
8 municipal ordinances) and the nature of any disposition arising
9 therefrom, including sentencing, court or correctional
10 supervision, rehabilitation and release. The term does not
11 apply to statistical records and reports in which individual
12 are not identified and from which their identities are not
13 ascertainable, or to information that is for criminal
14 investigative or intelligence purposes.

15 (H) "Criminal justice agency" means (1) a government agency
16 or any subunit thereof which is authorized to administer the
17 criminal laws and which allocates a substantial part of its
18 annual budget for that purpose, or (2) an agency supported by
19 public funds which is authorized as its principal function to
20 administer the criminal laws and which is officially designated
21 by the Department as a criminal justice agency for purposes of
22 this Act.

23 (I) "The Department" means the Illinois Department of State
24 Police.

25 (J) "Director" means the Director of the Illinois
26 Department of State Police.

1 (K) "Disseminate" means to disclose or transmit conviction
2 information in any form, oral, written, or otherwise.

3 (L) "Exigency" means pending danger or the threat of
4 pending danger to an individual or property.

5 (M) "Non-criminal justice agency" means a State agency,
6 Federal agency, or unit of local government that is not a
7 criminal justice agency. The term does not refer to private
8 individuals, corporations, or non-governmental agencies or
9 organizations.

10 (M-5) "Request" means the submission to the Department, in
11 the form and manner required, the necessary data elements or
12 fingerprints, or both, to allow the Department to initiate a
13 search of its criminal history record information files.

14 (N) "Requester" means any private individual, corporation,
15 organization, employer, employment agency, labor organization,
16 or non-criminal justice agency that has made a request pursuant
17 to this Act to obtain conviction information maintained in the
18 files of the Department of State Police regarding a particular
19 individual.

20 (O) "Statistical information" means data from which the
21 identity of an individual cannot be ascertained,
22 reconstructed, or verified and to which the identity of an
23 individual cannot be linked by the recipient of the
24 information.

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 Section 915. The Counties Code is amended by changing
2 Section 5-1103 as follows:

3 (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

4 Sec. 5-1103. Court services fee. A county board may enact
5 by ordinance or resolution a court services fee dedicated to
6 defraying court security expenses incurred by the sheriff in
7 providing court services or for any other court services deemed
8 necessary by the sheriff to provide for court security,
9 including without limitation court services provided pursuant
10 to Section 3-6023, as now or hereafter amended. Such fee shall
11 be paid in civil cases by each party at the time of filing the
12 first pleading, paper or other appearance; provided that no
13 additional fee shall be required if more than one party is
14 represented in a single pleading, paper or other appearance. In
15 criminal, local ordinance, county ordinance, traffic and
16 conservation cases, such fee shall be assessed against the
17 defendant upon a plea of guilty, stipulation of facts or
18 findings of guilty, resulting in a judgment of conviction, or
19 order of supervision, or sentence of probation without entry of
20 judgment pursuant to Section 10 of the Cannabis Control Act,
21 Section 410 of the Illinois Controlled Substances Act, Section
22 70 of the Methamphetamine Control and Community Protection Act,
23 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the
24 Criminal Code of 1961, Section 10-102 of the Illinois
25 Alcoholism and Other Drug Dependency Act, Section 40-10 of the

1 Alcoholism and Other Drug Abuse and Dependency Act, or Section
2 10 of the Steroid Control Act. In setting such fee, the county
3 board may impose, with the concurrence of the Chief Judge of
4 the judicial circuit in which the county is located by
5 administrative order entered by the Chief Judge, differential
6 rates for the various types or categories of criminal and civil
7 cases, but the maximum rate shall not exceed \$25. All proceeds
8 from this fee must be used to defray court security expenses
9 incurred by the sheriff in providing court services. No fee
10 shall be imposed or collected, however, in traffic,
11 conservation, and ordinance cases in which fines are paid
12 without a court appearance. The fees shall be collected in the
13 manner in which all other court fees or costs are collected and
14 shall be deposited into the county general fund for payment
15 solely of costs incurred by the sheriff in providing court
16 security or for any other court services deemed necessary by
17 the sheriff to provide for court security.

18 (Source: P.A. 93-558, eff. 12-1-03; 94-556, eff. 9-11-05.)

19 Section 920. The Metropolitan Transit Authority Act is
20 amended by changing Section 28b as follows:

21 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

22 Sec. 28b. Any person applying for a position as a driver of
23 a vehicle owned by a private carrier company which provides
24 public transportation pursuant to an agreement with the

1 Authority shall be required to authorize an investigation by
2 the private carrier company to determine if the applicant has
3 been convicted of any of the following offenses: (i) those
4 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
5 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1,
6 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
7 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11,
8 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.1, 18-1, 18-2, 20-1,
9 20-1.1, 31A-1, 31A-1.1, and 33A-2, ~~and~~ in subsection (a) and
10 subsection (b), clause (1), of Section 12-4, in subdivisions
11 (a)(1), (b)(1), and (f)(1) of Section 12-3.05, and in
12 subsection (a-5) of Section 12-3.1 of the Criminal Code of
13 1961; (ii) those offenses defined in the Cannabis Control Act
14 except those offenses defined in subsections (a) and (b) of
15 Section 4, and subsection (a) of Section 5 of the Cannabis
16 Control Act (iii) those offenses defined in the Illinois
17 Controlled Substances Act; (iv) those offenses defined in the
18 Methamphetamine Control and Community Protection Act; and (v)
19 any offense committed or attempted in any other state or
20 against the laws of the United States, which if committed or
21 attempted in this State would be punishable as one or more of
22 the foregoing offenses. Upon receipt of this authorization, the
23 private carrier company shall submit the applicant's name, sex,
24 race, date of birth, fingerprints and social security number to
25 the Department of State Police on forms prescribed by the
26 Department. The Department of State Police shall conduct an

1 investigation to ascertain if the applicant has been convicted
2 of any of the above enumerated offenses. The Department shall
3 charge the private carrier company a fee for conducting the
4 investigation, which fee shall be deposited in the State Police
5 Services Fund and shall not exceed the cost of the inquiry; and
6 the applicant shall not be charged a fee for such investigation
7 by the private carrier company. The Department of State Police
8 shall furnish, pursuant to positive identification, records of
9 convictions, until expunged, to the private carrier company
10 which requested the investigation. A copy of the record of
11 convictions obtained from the Department shall be provided to
12 the applicant. Any record of conviction received by the private
13 carrier company shall be confidential. Any person who releases
14 any confidential information concerning any criminal
15 convictions of an applicant shall be guilty of a Class A
16 misdemeanor, unless authorized by this Section.

17 (Source: P.A. 94-556, eff. 9-11-05.)

18 Section 925. The Child Care Act of 1969 is amended by
19 changing Section 4.2 as follows:

20 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

21 Sec. 4.2. (a) No applicant may receive a license from the
22 Department and no person may be employed by a licensed child
23 care facility who refuses to authorize an investigation as
24 required by Section 4.1.

1 (b) In addition to the other provisions of this Section, no
2 applicant may receive a license from the Department and no
3 person may be employed by a child care facility licensed by the
4 Department who has been declared a sexually dangerous person
5 under "An Act in relation to sexually dangerous persons, and
6 providing for their commitment, detention and supervision",
7 approved July 6, 1938, as amended, or convicted of committing
8 or attempting to commit any of the following offenses
9 stipulated under the Criminal Code of 1961:

10 (1) murder;

11 (1.1) solicitation of murder;

12 (1.2) solicitation of murder for hire;

13 (1.3) intentional homicide of an unborn child;

14 (1.4) voluntary manslaughter of an unborn child;

15 (1.5) involuntary manslaughter;

16 (1.6) reckless homicide;

17 (1.7) concealment of a homicidal death;

18 (1.8) involuntary manslaughter of an unborn child;

19 (1.9) reckless homicide of an unborn child;

20 (1.10) drug-induced homicide;

21 (2) a sex offense under Article 11, except offenses
22 described in Sections 11-7, 11-8, 11-12, and 11-13;

23 (3) kidnapping;

24 (3.1) aggravated unlawful restraint;

25 (3.2) forcible detention;

26 (3.3) harboring a runaway;

- 1 (3.4) aiding and abetting child abduction;
- 2 (4) aggravated kidnapping;
- 3 (5) child abduction;
- 4 (6) aggravated battery of a child as described in
- 5 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 6 (7) criminal sexual assault;
- 7 (8) aggravated criminal sexual assault;
- 8 (8.1) predatory criminal sexual assault of a child;
- 9 (9) criminal sexual abuse;
- 10 (10) aggravated sexual abuse;
- 11 (11) heinous battery as described in Section 12-4.1 or
- 12 subdivision (a) (2) of Section 12-3.05;
- 13 (12) aggravated battery with a firearm as described in
- 14 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 15 (e) (4) of Section 12-3.05;
- 16 (13) tampering with food, drugs, or cosmetics;
- 17 (14) drug induced infliction of great bodily harm as
- 18 described in Section 12-4.7 or subdivision (g) (1) of
- 19 Section 12-3.05;
- 20 (15) hate crime;
- 21 (16) stalking;
- 22 (17) aggravated stalking;
- 23 (18) threatening public officials;
- 24 (19) home invasion;
- 25 (20) vehicular invasion;
- 26 (21) criminal transmission of HIV;

1 (22) criminal abuse or neglect of an elderly or
2 disabled person as described in Section 12-21 or subsection
3 (b) of Section 12-4.4a;

4 (23) child abandonment;

5 (24) endangering the life or health of a child;

6 (25) ritual mutilation;

7 (26) ritualized abuse of a child;

8 (27) an offense in any other jurisdiction the elements
9 of which are similar and bear a substantial relationship to
10 any of the foregoing offenses.

11 (b-1) In addition to the other provisions of this Section,
12 beginning January 1, 2004, no new applicant and, on the date of
13 licensure renewal, no current licensee may operate or receive a
14 license from the Department to operate, no person may be
15 employed by, and no adult person may reside in a child care
16 facility licensed by the Department who has been convicted of
17 committing or attempting to commit any of the following
18 offenses or an offense in any other jurisdiction the elements
19 of which are similar and bear a substantial relationship to any
20 of the following offenses:

21 (I) BODILY HARM

22 (1) Felony aggravated assault.

23 (2) Vehicular endangerment.

24 (3) Felony domestic battery.

- 1 (4) Aggravated battery.
- 2 (5) Heinous battery.
- 3 (6) Aggravated battery with a firearm.
- 4 (7) Aggravated battery of an unborn child.
- 5 (8) Aggravated battery of a senior citizen.
- 6 (9) Intimidation.
- 7 (10) Compelling organization membership of persons.
- 8 (11) Abuse and criminal ~~gross~~ neglect of a long term
9 care facility resident.
- 10 (12) Felony violation of an order of protection.

11 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 12 (1) Felony unlawful use of weapons.
- 13 (2) Aggravated discharge of a firearm.
- 14 (3) Reckless discharge of a firearm.
- 15 (4) Unlawful use of metal piercing bullets.
- 16 (5) Unlawful sale or delivery of firearms on the
17 premises of any school.
- 18 (6) Disarming a police officer.
- 19 (7) Obstructing justice.
- 20 (8) Concealing or aiding a fugitive.
- 21 (9) Armed violence.
- 22 (10) Felony contributing to the criminal delinquency
23 of a juvenile.

1

(III) DRUG OFFENSES

2

(1) Possession of more than 30 grams of cannabis.

3

(2) Manufacture of more than 10 grams of cannabis.

4

(3) Cannabis trafficking.

5

(4) Delivery of cannabis on school grounds.

6

7

(5) Unauthorized production of more than 5 cannabis sativa plants.

8

(6) Calculated criminal cannabis conspiracy.

9

10

(7) Unauthorized manufacture or delivery of controlled substances.

11

(8) Controlled substance trafficking.

12

13

(9) Manufacture, distribution, or advertisement of look-alike substances.

14

(10) Calculated criminal drug conspiracy.

15

(11) Street gang criminal drug conspiracy.

16

(12) Permitting unlawful use of a building.

17

18

19

20

(13) Delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property.

21

22

(14) Using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances.

23

(15) Delivery of controlled substances.

24

(16) Sale or delivery of drug paraphernalia.

25

(17) Felony possession, sale, or exchange of

1 instruments adapted for use of a controlled substance,
2 methamphetamine, or cannabis by subcutaneous injection.

3 (18) Felony possession of a controlled substance.

4 (19) Any violation of the Methamphetamine Control and
5 Community Protection Act.

6 (b-2) For child care facilities other than foster family
7 homes, the Department may issue a new child care facility
8 license to or renew the existing child care facility license of
9 an applicant, a person employed by a child care facility, or an
10 applicant who has an adult residing in a home child care
11 facility who was convicted of an offense described in
12 subsection (b-1), provided that all of the following
13 requirements are met:

14 (1) The relevant criminal offense occurred more than 5
15 years prior to the date of application or renewal, except
16 for drug offenses. The relevant drug offense must have
17 occurred more than 10 years prior to the date of
18 application or renewal, unless the applicant passed a drug
19 test, arranged and paid for by the child care facility, no
20 less than 5 years after the offense.

21 (2) The Department must conduct a background check and
22 assess all convictions and recommendations of the child
23 care facility to determine if waiver shall apply in
24 accordance with Department administrative rules and
25 procedures.

26 (3) The applicant meets all other requirements and

1 qualifications to be licensed as the pertinent type of
2 child care facility under this Act and the Department's
3 administrative rules.

4 (c) In addition to the other provisions of this Section, no
5 applicant may receive a license from the Department to operate
6 a foster family home, and no adult person may reside in a
7 foster family home licensed by the Department, who has been
8 convicted of committing or attempting to commit any of the
9 following offenses stipulated under the Criminal Code of 1961,
10 the Cannabis Control Act, the Methamphetamine Control and
11 Community Protection Act, and the Illinois Controlled
12 Substances Act:

13 (I) OFFENSES DIRECTED AGAINST THE PERSON

14 (A) KIDNAPPING AND RELATED OFFENSES

15 (1) Unlawful restraint.

16 (B) BODILY HARM

17 (2) Felony aggravated assault.

18 (3) Vehicular endangerment.

19 (4) Felony domestic battery.

20 (5) Aggravated battery.

21 (6) Heinous battery.

22 (7) Aggravated battery with a firearm.

23 (8) Aggravated battery of an unborn child.

- 1 (9) Aggravated battery of a senior citizen.
2 (10) Intimidation.
3 (11) Compelling organization membership of persons.
4 (12) Abuse and criminal ~~gross~~ neglect of a long term
5 care facility resident.
6 (13) Felony violation of an order of protection.

7 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 8 (14) Felony theft.
9 (15) Robbery.
10 (16) Armed robbery.
11 (17) Aggravated robbery.
12 (18) Vehicular hijacking.
13 (19) Aggravated vehicular hijacking.
14 (20) Burglary.
15 (21) Possession of burglary tools.
16 (22) Residential burglary.
17 (23) Criminal fortification of a residence or
18 building.
19 (24) Arson.
20 (25) Aggravated arson.
21 (26) Possession of explosive or explosive incendiary
22 devices.

23 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 1 (27) Felony unlawful use of weapons.
2 (28) Aggravated discharge of a firearm.
3 (29) Reckless discharge of a firearm.
4 (30) Unlawful use of metal piercing bullets.
5 (31) Unlawful sale or delivery of firearms on the
6 premises of any school.
7 (32) Disarming a police officer.
8 (33) Obstructing justice.
9 (34) Concealing or aiding a fugitive.
10 (35) Armed violence.
11 (36) Felony contributing to the criminal delinquency
12 of a juvenile.

13 (IV) DRUG OFFENSES

- 14 (37) Possession of more than 30 grams of cannabis.
15 (38) Manufacture of more than 10 grams of cannabis.
16 (39) Cannabis trafficking.
17 (40) Delivery of cannabis on school grounds.
18 (41) Unauthorized production of more than 5 cannabis
19 sativa plants.
20 (42) Calculated criminal cannabis conspiracy.
21 (43) Unauthorized manufacture or delivery of
22 controlled substances.
23 (44) Controlled substance trafficking.

1 (45) Manufacture, distribution, or advertisement of
2 look-alike substances.

3 (46) Calculated criminal drug conspiracy.

4 (46.5) Streetgang criminal drug conspiracy.

5 (47) Permitting unlawful use of a building.

6 (48) Delivery of controlled, counterfeit, or
7 look-alike substances to persons under age 18, or at truck
8 stops, rest stops, or safety rest areas, or on school
9 property.

10 (49) Using, engaging, or employing persons under 18 to
11 deliver controlled, counterfeit, or look-alike substances.

12 (50) Delivery of controlled substances.

13 (51) Sale or delivery of drug paraphernalia.

14 (52) Felony possession, sale, or exchange of
15 instruments adapted for use of a controlled substance,
16 methamphetamine, or cannabis by subcutaneous injection.

17 (53) Any violation of the Methamphetamine Control and
18 Community Protection Act.

19 (d) Notwithstanding subsection (c), the Department may
20 issue a new foster family home license or may renew an existing
21 foster family home license of an applicant who was convicted of
22 an offense described in subsection (c), provided all of the
23 following requirements are met:

24 (1) The relevant criminal offense or offenses occurred
25 more than 10 years prior to the date of application or
26 renewal.

1 (2) The applicant had previously disclosed the
2 conviction or convictions to the Department for purposes of
3 a background check.

4 (3) After the disclosure, the Department either placed
5 a child in the home or the foster family home license was
6 issued.

7 (4) During the background check, the Department had
8 assessed and waived the conviction in compliance with the
9 existing statutes and rules in effect at the time of the
10 waiver.

11 (5) The applicant meets all other requirements and
12 qualifications to be licensed as a foster family home under
13 this Act and the Department's administrative rules.

14 (6) The applicant has a history of providing a safe,
15 stable home environment and appears able to continue to
16 provide a safe, stable home environment.

17 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

18 Section 930. The Health Care Worker Background Check Act is
19 amended by changing Section 25 as follows:

20 (225 ILCS 46/25)

21 Sec. 25. Persons ineligible to be hired by health care
22 employers and long-term care facilities.

23 (a) In the discretion of the Director of Public Health, as
24 soon after January 1, 1996, January 1, 1997, January 1, 2006,

1 or October 1, 2007, as applicable, and as is reasonably
2 practical, no health care employer shall knowingly hire,
3 employ, or retain any individual in a position with duties
4 involving direct care for clients, patients, or residents, and
5 no long-term care facility shall knowingly hire, employ, or
6 retain any individual in a position with duties that involve or
7 may involve contact with residents or access to the living
8 quarters or the financial, medical, or personal records of
9 residents, who has been convicted of committing or attempting
10 to commit one or more of the following offenses: those defined
11 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
12 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
13 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
14 12-3.05, ~~12-3,~~ 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
15 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
16 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
17 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5,
18 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2,
19 or in subsection (a) of Section 12-3 or subsection (a) or (b)
20 of Section 12-4.4a, of the Criminal Code of 1961; those
21 provided in Section 4 of the Wrongs to Children Act; those
22 provided in Section 53 of the Criminal Jurisprudence Act; those
23 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
24 Act; those defined in the Methamphetamine Control and Community
25 Protection Act; or those defined in Sections 401, 401.1, 404,
26 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances

1 Act, unless the applicant or employee obtains a waiver pursuant
2 to Section 40.

3 (a-1) In the discretion of the Director of Public Health,
4 as soon after January 1, 2004 or October 1, 2007, as
5 applicable, and as is reasonably practical, no health care
6 employer shall knowingly hire any individual in a position with
7 duties involving direct care for clients, patients, or
8 residents, and no long-term care facility shall knowingly hire
9 any individual in a position with duties that involve or may
10 involve contact with residents or access to the living quarters
11 or the financial, medical, or personal records of residents,
12 who has (i) been convicted of committing or attempting to
13 commit one or more of the offenses defined in Section 12-3.3,
14 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
15 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
16 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
17 and Debit Card Act; or Section 5.1 of the Wrongs to Children
18 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
19 unless the applicant or employee obtains a waiver pursuant to
20 Section 40 of this Act.

21 A health care employer is not required to retain an
22 individual in a position with duties involving direct care for
23 clients, patients, or residents, and no long-term care facility
24 is required to retain an individual in a position with duties
25 that involve or may involve contact with residents or access to
26 the living quarters or the financial, medical, or personal

1 records of residents, who has been convicted of committing or
2 attempting to commit one or more of the offenses enumerated in
3 this subsection.

4 (b) A health care employer shall not hire, employ, or
5 retain any individual in a position with duties involving
6 direct care of clients, patients, or residents, and no
7 long-term care facility shall knowingly hire, employ, or retain
8 any individual in a position with duties that involve or may
9 involve contact with residents or access to the living quarters
10 or the financial, medical, or personal records of residents, if
11 the health care employer becomes aware that the individual has
12 been convicted in another state of committing or attempting to
13 commit an offense that has the same or similar elements as an
14 offense listed in subsection (a) or (a-1), as verified by court
15 records, records from a state agency, or an FBI criminal
16 history record check, unless the applicant or employee obtains
17 a waiver pursuant to Section 40 of this Act. This shall not be
18 construed to mean that a health care employer has an obligation
19 to conduct a criminal history records check in other states in
20 which an employee has resided.

21 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
22 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

23 Section 935. The Nursing Home Administrators Licensing and
24 Disciplinary Act is amended by changing Section 17 as follows:

1 (225 ILCS 70/17) (from Ch. 111, par. 3667)

2 (Section scheduled to be repealed on January 1, 2018)

3 Sec. 17. Grounds for disciplinary action.

4 (a) The Department may impose fines not to exceed \$10,000
5 or may refuse to issue or to renew, or may revoke, suspend,
6 place on probation, censure, reprimand or take other
7 disciplinary or non-disciplinary action with regard to the
8 license of any person, for any one or combination of the
9 following causes:

10 (1) Intentional material misstatement in furnishing
11 information to the Department.

12 (2) Conviction of or entry of a plea of guilty or nolo
13 contendere to any crime that is a felony under the laws of
14 the United States or any state or territory thereof or a
15 misdemeanor of which an essential element is dishonesty or
16 that is directly related to the practice of the profession
17 of nursing home administration.

18 (3) Making any misrepresentation for the purpose of
19 obtaining a license, or violating any provision of this
20 Act.

21 (4) Immoral conduct in the commission of any act, such
22 as sexual abuse or sexual misconduct, related to the
23 licensee's practice.

24 (5) Failing to respond within 30 days, to a written
25 request made by the Department for information.

26 (6) Engaging in dishonorable, unethical or

1 unprofessional conduct of a character likely to deceive,
2 defraud or harm the public.

3 (7) Habitual use or addiction to alcohol, narcotics,
4 stimulants, or any other chemical agent or drug which
5 results in the inability to practice with reasonable
6 judgment, skill or safety.

7 (8) Discipline by another U.S. jurisdiction if at least
8 one of the grounds for the discipline is the same or
9 substantially equivalent to those set forth herein.

10 (9) A finding by the Department that the licensee,
11 after having his or her license placed on probationary
12 status has violated the terms of probation.

13 (10) Willfully making or filing false records or
14 reports in his or her practice, including but not limited
15 to false records filed with State agencies or departments.

16 (11) Physical illness, mental illness, or other
17 impairment or disability, including, but not limited to,
18 deterioration through the aging process, or loss of motor
19 skill that results in the inability to practice the
20 profession with reasonable judgment, skill or safety.

21 (12) Disregard or violation of this Act or of any rule
22 issued pursuant to this Act.

23 (13) Aiding or abetting another in the violation of
24 this Act or any rule or regulation issued pursuant to this
25 Act.

26 (14) Allowing one's license to be used by an unlicensed

1 person.

2 (15) (Blank).

3 (16) Professional incompetence in the practice of
4 nursing home administration.

5 (17) Conviction of a violation of Section 12-19 or
6 subsection (a) of Section 12-4.4a of the Criminal Code of
7 1961 for the abuse and criminal ~~gross~~ neglect of a long
8 term care facility resident.

9 (18) Violation of the Nursing Home Care Act or the
10 MR/DD Community Care Act or of any rule issued under the
11 Nursing Home Care Act or the MR/DD Community Care Act. A
12 final adjudication of a Type "AA" violation of the Nursing
13 Home Care Act made by the Illinois Department of Public
14 Health, as identified by rule, relating to the hiring,
15 training, planning, organizing, directing, or supervising
16 the operation of a nursing home and a licensee's failure to
17 comply with this Act or the rules adopted under this Act,
18 shall create a rebuttable presumption of a violation of
19 this subsection.

20 (19) Failure to report to the Department any adverse
21 final action taken against the licensee by a licensing
22 authority of another state, territory of the United States,
23 or foreign country; or by any governmental or law
24 enforcement agency; or by any court for acts or conduct
25 similar to acts or conduct that would constitute grounds
26 for disciplinary action under this Section.

1 (20) Failure to report to the Department the surrender
2 of a license or authorization to practice as a nursing home
3 administrator in another state or jurisdiction for acts or
4 conduct similar to acts or conduct that would constitute
5 grounds for disciplinary action under this Section.

6 (21) Failure to report to the Department any adverse
7 judgment, settlement, or award arising from a liability
8 claim related to acts or conduct similar to acts or conduct
9 that would constitute grounds for disciplinary action
10 under this Section.

11 All proceedings to suspend, revoke, place on probationary
12 status, or take any other disciplinary action as the Department
13 may deem proper, with regard to a license on any of the
14 foregoing grounds, must be commenced within 5 years next after
15 receipt by the Department of (i) a complaint alleging the
16 commission of or notice of the conviction order for any of the
17 acts described herein or (ii) a referral for investigation
18 under Section 3-108 of the Nursing Home Care Act.

19 The entry of an order or judgment by any circuit court
20 establishing that any person holding a license under this Act
21 is a person in need of mental treatment operates as a
22 suspension of that license. That person may resume their
23 practice only upon the entry of a Department order based upon a
24 finding by the Board that they have been determined to be
25 recovered from mental illness by the court and upon the Board's
26 recommendation that they be permitted to resume their practice.

1 The Department, upon the recommendation of the Board, may
2 adopt rules which set forth standards to be used in determining
3 what constitutes:

4 (i) when a person will be deemed sufficiently
5 rehabilitated to warrant the public trust;

6 (ii) dishonorable, unethical or unprofessional conduct
7 of a character likely to deceive, defraud, or harm the
8 public;

9 (iii) immoral conduct in the commission of any act
10 related to the licensee's practice; and

11 (iv) professional incompetence in the practice of
12 nursing home administration.

13 However, no such rule shall be admissible into evidence in
14 any civil action except for review of a licensing or other
15 disciplinary action under this Act.

16 In enforcing this Section, the Department or Board, upon a
17 showing of a possible violation, may compel any individual
18 licensed to practice under this Act, or who has applied for
19 licensure pursuant to this Act, to submit to a mental or
20 physical examination, or both, as required by and at the
21 expense of the Department. The examining physician or
22 physicians shall be those specifically designated by the
23 Department or Board. The Department or Board may order the
24 examining physician to present testimony concerning this
25 mental or physical examination of the licensee or applicant. No
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the
2 licensee or applicant and the examining physician. The
3 individual to be examined may have, at his or her own expense,
4 another physician of his or her choice present during all
5 aspects of the examination. Failure of any individual to submit
6 to mental or physical examination, when directed, shall be
7 grounds for suspension of his or her license until such time as
8 the individual submits to the examination if the Department
9 finds, after notice and hearing, that the refusal to submit to
10 the examination was without reasonable cause.

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board shall require such individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or in lieu of care, counseling, or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual. Any
21 individual whose license was granted pursuant to this Act or
22 continued, reinstated, renewed, disciplined or supervised,
23 subject to such terms, conditions or restrictions who shall
24 fail to comply with such terms, conditions or restrictions
25 shall be referred to the Secretary for a determination as to
26 whether the licensee shall have his or her license suspended

1 immediately, pending a hearing by the Department. In instances
2 in which the Secretary immediately suspends a license under
3 this Section, a hearing upon such person's license must be
4 convened by the Board within 30 days after such suspension and
5 completed without appreciable delay. The Department and Board
6 shall have the authority to review the subject administrator's
7 record of treatment and counseling regarding the impairment, to
8 the extent permitted by applicable federal statutes and
9 regulations safeguarding the confidentiality of medical
10 records.

11 An individual licensed under this Act, affected under this
12 Section, shall be afforded an opportunity to demonstrate to the
13 Department or Board that he or she can resume practice in
14 compliance with acceptable and prevailing standards under the
15 provisions of his or her license.

16 (b) Any individual or organization acting in good faith,
17 and not in a wilful and wanton manner, in complying with this
18 Act by providing any report or other information to the
19 Department, or assisting in the investigation or preparation of
20 such information, or by participating in proceedings of the
21 Department, or by serving as a member of the Board, shall not,
22 as a result of such actions, be subject to criminal prosecution
23 or civil damages.

24 (c) Members of the Board, and persons retained under
25 contract to assist and advise in an investigation, shall be
26 indemnified by the State for any actions occurring within the

1 scope of services on or for the Board, done in good faith and
2 not wilful and wanton in nature. The Attorney General shall
3 defend all such actions unless he or she determines either that
4 there would be a conflict of interest in such representation or
5 that the actions complained of were not in good faith or were
6 wilful and wanton.

7 Should the Attorney General decline representation, a
8 person entitled to indemnification under this Section shall
9 have the right to employ counsel of his or her choice, whose
10 fees shall be provided by the State, after approval by the
11 Attorney General, unless there is a determination by a court
12 that the member's actions were not in good faith or were wilful
13 and wanton.

14 A person entitled to indemnification under this Section
15 must notify the Attorney General within 7 days of receipt of
16 notice of the initiation of any action involving services of
17 the Board. Failure to so notify the Attorney General shall
18 constitute an absolute waiver of the right to a defense and
19 indemnification.

20 The Attorney General shall determine within 7 days after
21 receiving such notice, whether he or she will undertake to
22 represent a person entitled to indemnification under this
23 Section.

24 (d) The determination by a circuit court that a licensee is
25 subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

1 Code, as amended, operates as an automatic suspension. Such
2 suspension will end only upon a finding by a court that the
3 patient is no longer subject to involuntary admission or
4 judicial admission and issues an order so finding and
5 discharging the patient; and upon the recommendation of the
6 Board to the Secretary that the licensee be allowed to resume
7 his or her practice.

8 (e) The Department may refuse to issue or may suspend the
9 license of any person who fails to file a return, or to pay the
10 tax, penalty or interest shown in a filed return, or to pay any
11 final assessment of tax, penalty or interest, as required by
12 any tax Act administered by the Department of Revenue, until
13 such time as the requirements of any such tax Act are
14 satisfied.

15 (f) The Department of Public Health shall transmit to the
16 Department a list of those facilities which receive an "A"
17 violation as defined in Section 1-129 of the Nursing Home Care
18 Act.

19 (Source: P.A. 95-703, eff. 12-31-07; 96-339, eff. 7-1-10;
20 96-1372, eff. 7-29-10.)

21 Section 945. The Illinois Sexually Transmissible Disease
22 Control Act is amended by changing Section 5.5 as follows:

23 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

24 Sec. 5.5. Risk assessment.

1 (a) Whenever the Department receives a report of HIV
2 infection or AIDS pursuant to this Act and the Department
3 determines that the subject of the report may present or may
4 have presented a possible risk of HIV transmission, the
5 Department shall, when medically appropriate, investigate the
6 subject of the report and that person's contacts as defined in
7 subsection (c), to assess the potential risks of transmission.
8 Any investigation and action shall be conducted in a timely
9 fashion. All contacts other than those defined in subsection
10 (c) shall be investigated in accordance with Section 5 of this
11 Act.

12 (b) If the Department determines that there is or may have
13 been potential risks of HIV transmission from the subject of
14 the report to other persons, the Department shall afford the
15 subject the opportunity to submit any information and comment
16 on proposed actions the Department intends to take with respect
17 to the subject's contacts who are at potential risk of
18 transmission of HIV prior to notification of the subject's
19 contacts. The Department shall also afford the subject of the
20 report the opportunity to notify the subject's contacts in a
21 timely fashion who are at potential risk of transmission of HIV
22 prior to the Department taking any steps to notify such
23 contacts. If the subject declines to notify such contacts or if
24 the Department determines the notices to be inadequate or
25 incomplete, the Department shall endeavor to notify such other
26 persons of the potential risk, and offer testing and counseling

1 services to these individuals. When the contacts are notified,
2 they shall be informed of the disclosure provisions of the AIDS
3 Confidentiality Act and the penalties therein and this Section.

4 (c) Contacts investigated under this Section shall in the
5 case of HIV infection include (i) individuals who have
6 undergone invasive procedures performed by an HIV infected
7 health care provider and (ii) health care providers who have
8 performed invasive procedures for persons infected with HIV,
9 provided the Department has determined that there is or may
10 have been potential risk of HIV transmission from the health
11 care provider to those individuals or from infected persons to
12 health care providers. The Department shall have access to the
13 subject's records to review for the identity of contacts. The
14 subject's records shall not be copied or seized by the
15 Department.

16 For purposes of this subsection, the term "invasive
17 procedures" means those procedures termed invasive by the
18 Centers for Disease Control in current guidelines or
19 recommendations for the prevention of HIV transmission in
20 health care settings, and the term "health care provider" means
21 any physician, dentist, podiatrist, advanced practice nurse,
22 physician assistant, nurse, or other person providing health
23 care services of any kind.

24 (d) All information and records held by the Department and
25 local health authorities pertaining to activities conducted
26 pursuant to this Section shall be strictly confidential and

1 exempt from copying and inspection under the Freedom of
2 Information Act. Such information and records shall not be
3 released or made public by the Department or local health
4 authorities, and shall not be admissible as evidence, nor
5 discoverable in any action of any kind in any court or before
6 any tribunal, board, agency or person and shall be treated in
7 the same manner as the information and those records subject to
8 the provisions of Part 21 of the Code of Civil Procedure except
9 under the following circumstances:

10 (1) When made with the written consent of all persons
11 to whom this information pertains;

12 (2) When authorized under Section 8 to be released
13 under court order or subpoena pursuant to Section 12-5.01
14 or 12-16.2 of the Criminal Code of 1961; or

15 (3) When made by the Department for the purpose of
16 seeking a warrant authorized by Sections 6 and 7 of this
17 Act. Such disclosure shall conform to the requirements of
18 subsection (a) of Section 8 of this Act.

19 (e) Any person who knowingly or maliciously disseminates
20 any information or report concerning the existence of any
21 disease under this Section is guilty of a Class A misdemeanor.

22 (Source: P.A. 93-962, eff. 8-20-04.)

23 Section 950. The Illinois Vehicle Code is amended by
24 changing Sections 6-106.1 and 6-508 as follows:

1 (625 ILCS 5/6-106.1)

2 Sec. 6-106.1. School bus driver permit.

3 (a) The Secretary of State shall issue a school bus driver
4 permit to those applicants who have met all the requirements of
5 the application and screening process under this Section to
6 insure the welfare and safety of children who are transported
7 on school buses throughout the State of Illinois. Applicants
8 shall obtain the proper application required by the Secretary
9 of State from their prospective or current employer and submit
10 the completed application to the prospective or current
11 employer along with the necessary fingerprint submission as
12 required by the Department of State Police to conduct
13 fingerprint based criminal background checks on current and
14 future information available in the state system and current
15 information available through the Federal Bureau of
16 Investigation's system. Applicants who have completed the
17 fingerprinting requirements shall not be subjected to the
18 fingerprinting process when applying for subsequent permits or
19 submitting proof of successful completion of the annual
20 refresher course. Individuals who on the effective date of this
21 Act possess a valid school bus driver permit that has been
22 previously issued by the appropriate Regional School
23 Superintendent are not subject to the fingerprinting
24 provisions of this Section as long as the permit remains valid
25 and does not lapse. The applicant shall be required to pay all
26 related application and fingerprinting fees as established by

1 rule including, but not limited to, the amounts established by
2 the Department of State Police and the Federal Bureau of
3 Investigation to process fingerprint based criminal background
4 investigations. All fees paid for fingerprint processing
5 services under this Section shall be deposited into the State
6 Police Services Fund for the cost incurred in processing the
7 fingerprint based criminal background investigations. All
8 other fees paid under this Section shall be deposited into the
9 Road Fund for the purpose of defraying the costs of the
10 Secretary of State in administering this Section. All
11 applicants must:

12 1. be 21 years of age or older;

13 2. possess a valid and properly classified driver's
14 license issued by the Secretary of State;

15 3. possess a valid driver's license, which has not been
16 revoked, suspended, or canceled for 3 years immediately
17 prior to the date of application, or have not had his or
18 her commercial motor vehicle driving privileges
19 disqualified within the 3 years immediately prior to the
20 date of application;

21 4. successfully pass a written test, administered by
22 the Secretary of State, on school bus operation, school bus
23 safety, and special traffic laws relating to school buses
24 and submit to a review of the applicant's driving habits by
25 the Secretary of State at the time the written test is
26 given;

1 5. demonstrate ability to exercise reasonable care in
2 the operation of school buses in accordance with rules
3 promulgated by the Secretary of State;

4 6. demonstrate physical fitness to operate school
5 buses by submitting the results of a medical examination,
6 including tests for drug use for each applicant not subject
7 to such testing pursuant to federal law, conducted by a
8 licensed physician, an advanced practice nurse who has a
9 written collaborative agreement with a collaborating
10 physician which authorizes him or her to perform medical
11 examinations, or a physician assistant who has been
12 delegated the performance of medical examinations by his or
13 her supervising physician within 90 days of the date of
14 application according to standards promulgated by the
15 Secretary of State;

16 7. affirm under penalties of perjury that he or she has
17 not made a false statement or knowingly concealed a
18 material fact in any application for permit;

19 8. have completed an initial classroom course,
20 including first aid procedures, in school bus driver safety
21 as promulgated by the Secretary of State; and after
22 satisfactory completion of said initial course an annual
23 refresher course; such courses and the agency or
24 organization conducting such courses shall be approved by
25 the Secretary of State; failure to complete the annual
26 refresher course, shall result in cancellation of the

1 permit until such course is completed;

2 9. not have been convicted of 2 or more serious traffic
3 offenses, as defined by rule, within one year prior to the
4 date of application that may endanger the life or safety of
5 any of the driver's passengers within the duration of the
6 permit period;

7 10. not have been convicted of reckless driving,
8 aggravated reckless driving, driving while under the
9 influence of alcohol, other drug or drugs, intoxicating
10 compound or compounds or any combination thereof, or
11 reckless homicide resulting from the operation of a motor
12 vehicle within 3 years of the date of application;

13 11. not have been convicted of committing or attempting
14 to commit any one or more of the following offenses: (i)
15 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
16 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
17 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,
18 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,
19 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,
20 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,
21 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
22 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
23 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
24 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
25 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3,
26 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,

1 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
2 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
3 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
4 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
5 Section 12-3.05, and in subsection (a) and subsection (b),
6 clause (1), of Section 12-4, and in subsection (A), clauses
7 (a) and (b), of Section 24-3, and those offenses contained
8 in Article 29D of the Criminal Code of 1961; (ii) those
9 offenses defined in the Cannabis Control Act except those
10 offenses defined in subsections (a) and (b) of Section 4,
11 and subsection (a) of Section 5 of the Cannabis Control
12 Act; (iii) those offenses defined in the Illinois
13 Controlled Substances Act; (iv) those offenses defined in
14 the Methamphetamine Control and Community Protection Act;
15 (v) any offense committed or attempted in any other state
16 or against the laws of the United States, which if
17 committed or attempted in this State would be punishable as
18 one or more of the foregoing offenses; (vi) the offenses
19 defined in Section 4.1 and 5.1 of the Wrongs to Children
20 Act; (vii) those offenses defined in Section 6-16 of the
21 Liquor Control Act of 1934; and (viii) those offenses
22 defined in the Methamphetamine Precursor Control Act; i -

23 12. not have been repeatedly involved as a driver in
24 motor vehicle collisions or been repeatedly convicted of
25 offenses against laws and ordinances regulating the
26 movement of traffic, to a degree which indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

5 13. not have, through the unlawful operation of a motor
6 vehicle, caused an accident resulting in the death of any
7 person; and

8 14. not have, within the last 5 years, been adjudged to
9 be afflicted with or suffering from any mental disability
10 or disease.

11 (b) A school bus driver permit shall be valid for a period
12 specified by the Secretary of State as set forth by rule. It
13 shall be renewable upon compliance with subsection (a) of this
14 Section.

15 (c) A school bus driver permit shall contain the holder's
16 driver's license number, legal name, residence address, zip
17 code, social security number and date of birth, a brief
18 description of the holder and a space for signature. The
19 Secretary of State may require a suitable photograph of the
20 holder.

21 (d) The employer shall be responsible for conducting a
22 pre-employment interview with prospective school bus driver
23 candidates, distributing school bus driver applications and
24 medical forms to be completed by the applicant, and submitting
25 the applicant's fingerprint cards to the Department of State
26 Police that are required for the criminal background

1 investigations. The employer shall certify in writing to the
2 Secretary of State that all pre-employment conditions have been
3 successfully completed including the successful completion of
4 an Illinois specific criminal background investigation through
5 the Department of State Police and the submission of necessary
6 fingerprints to the Federal Bureau of Investigation for
7 criminal history information available through the Federal
8 Bureau of Investigation system. The applicant shall present the
9 certification to the Secretary of State at the time of
10 submitting the school bus driver permit application.

11 (e) Permits shall initially be provisional upon receiving
12 certification from the employer that all pre-employment
13 conditions have been successfully completed, and upon
14 successful completion of all training and examination
15 requirements for the classification of the vehicle to be
16 operated, the Secretary of State shall provisionally issue a
17 School Bus Driver Permit. The permit shall remain in a
18 provisional status pending the completion of the Federal Bureau
19 of Investigation's criminal background investigation based
20 upon fingerprinting specimens submitted to the Federal Bureau
21 of Investigation by the Department of State Police. The Federal
22 Bureau of Investigation shall report the findings directly to
23 the Secretary of State. The Secretary of State shall remove the
24 bus driver permit from provisional status upon the applicant's
25 successful completion of the Federal Bureau of Investigation's
26 criminal background investigation.

1 (f) A school bus driver permit holder shall notify the
2 employer and the Secretary of State if he or she is convicted
3 in another state of an offense that would make him or her
4 ineligible for a permit under subsection (a) of this Section.
5 The written notification shall be made within 5 days of the
6 entry of the conviction. Failure of the permit holder to
7 provide the notification is punishable as a petty offense for a
8 first violation and a Class B misdemeanor for a second or
9 subsequent violation.

10 (g) Cancellation; suspension; notice and procedure.

11 (1) The Secretary of State shall cancel a school bus
12 driver permit of an applicant whose criminal background
13 investigation discloses that he or she is not in compliance
14 with the provisions of subsection (a) of this Section.

15 (2) The Secretary of State shall cancel a school bus
16 driver permit when he or she receives notice that the
17 permit holder fails to comply with any provision of this
18 Section or any rule promulgated for the administration of
19 this Section.

20 (3) The Secretary of State shall cancel a school bus
21 driver permit if the permit holder's restricted commercial
22 or commercial driving privileges are withdrawn or
23 otherwise invalidated.

24 (4) The Secretary of State may not issue a school bus
25 driver permit for a period of 3 years to an applicant who
26 fails to obtain a negative result on a drug test as

1 required in item 6 of subsection (a) of this Section or
2 under federal law.

3 (5) The Secretary of State shall forthwith suspend a
4 school bus driver permit for a period of 3 years upon
5 receiving notice that the holder has failed to obtain a
6 negative result on a drug test as required in item 6 of
7 subsection (a) of this Section or under federal law.

8 (6) The Secretary of State shall suspend a school bus
9 driver permit for a period of 3 years upon receiving notice
10 from the employer that the holder failed to perform the
11 inspection procedure set forth in subsection (a) or (b) of
12 Section 12-816 of this Code.

13 The Secretary of State shall notify the State
14 Superintendent of Education and the permit holder's
15 prospective or current employer that the applicant has (1) has
16 failed a criminal background investigation or (2) is no longer
17 eligible for a school bus driver permit; and of the related
18 cancellation of the applicant's provisional school bus driver
19 permit. The cancellation shall remain in effect pending the
20 outcome of a hearing pursuant to Section 2-118 of this Code.
21 The scope of the hearing shall be limited to the issuance
22 criteria contained in subsection (a) of this Section. A
23 petition requesting a hearing shall be submitted to the
24 Secretary of State and shall contain the reason the individual
25 feels he or she is entitled to a school bus driver permit. The
26 permit holder's employer shall notify in writing to the

1 Secretary of State that the employer has certified the removal
2 of the offending school bus driver from service prior to the
3 start of that school bus driver's next workshift. An employing
4 school board that fails to remove the offending school bus
5 driver from service is subject to the penalties defined in
6 Section 3-14.23 of the School Code. A school bus contractor who
7 violates a provision of this Section is subject to the
8 penalties defined in Section 6-106.11.

9 All valid school bus driver permits issued under this
10 Section prior to January 1, 1995, shall remain effective until
11 their expiration date unless otherwise invalidated.

12 (h) When a school bus driver permit holder who is a service
13 member is called to active duty, the employer of the permit
14 holder shall notify the Secretary of State, within 30 days of
15 notification from the permit holder, that the permit holder has
16 been called to active duty. Upon notification pursuant to this
17 subsection, (i) the Secretary of State shall characterize the
18 permit as inactive until a permit holder renews the permit as
19 provided in subsection (i) of this Section, and (ii) if a
20 permit holder fails to comply with the requirements of this
21 Section while called to active duty, the Secretary of State
22 shall not characterize the permit as invalid.

23 (i) A school bus driver permit holder who is a service
24 member returning from active duty must, within 90 days, renew a
25 permit characterized as inactive pursuant to subsection (h) of
26 this Section by complying with the renewal requirements of

1 subsection (b) of this Section.

2 (j) For purposes of subsections (h) and (i) of this
3 Section:

4 "Active duty" means active duty pursuant to an executive
5 order of the President of the United States, an act of the
6 Congress of the United States, or an order of the Governor.

7 "Service member" means a member of the Armed Services or
8 reserve forces of the United States or a member of the Illinois
9 National Guard.

10 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
11 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
12 7-22-10; revised 9-2-10.)

13 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

14 Sec. 6-508. Commercial Driver's License (CDL) -
15 qualification standards.

16 (a) Testing.

17 (1) General. No person shall be issued an original or
18 renewal CDL unless that person is domiciled in this State.
19 The Secretary shall cause to be administered such tests as
20 the Secretary deems necessary to meet the requirements of
21 49 C.F.R. Part 383, subparts F, G, H, and J.

22 (2) Third party testing. The Secretary of state may
23 authorize a "third party tester", pursuant to 49 C.F.R.
24 Part 383.75, to administer the skills test or tests
25 specified by Federal Motor Carrier Safety Administration

1 pursuant to the Commercial Motor Vehicle Safety Act of 1986
2 and any appropriate federal rule.

3 (b) Waiver of Skills Test. The Secretary of State may waive
4 the skills test specified in this Section for a driver
5 applicant for a commercial driver license who meets the
6 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

7 (c) Limitations on issuance of a CDL. A CDL, or a
8 commercial driver instruction permit, shall not be issued to a
9 person while the person is subject to a disqualification from
10 driving a commercial motor vehicle, or unless otherwise
11 permitted by this Code, while the person's driver's license is
12 suspended, revoked or cancelled in any state, or any territory
13 or province of Canada; nor may a CDL be issued to a person who
14 has a CDL issued by any other state, or foreign jurisdiction,
15 unless the person first surrenders all such licenses. No CDL
16 shall be issued to or renewed for a person who does not meet
17 the requirement of 49 CFR 391.41(b)(11). The requirement may be
18 met with the aid of a hearing aid.

19 (c-1) The Secretary may issue a CDL with a school bus
20 driver endorsement to allow a person to drive the type of bus
21 described in subsection (d-5) of Section 6-104 of this Code.
22 The CDL with a school bus driver endorsement may be issued only
23 to a person meeting the following requirements:

24 (1) the person has submitted his or her fingerprints to
25 the Department of State Police in the form and manner
26 prescribed by the Department of State Police. These

1 fingerprints shall be checked against the fingerprint
2 records now and hereafter filed in the Department of State
3 Police and Federal Bureau of Investigation criminal
4 history records databases;

5 (2) the person has passed a written test, administered
6 by the Secretary of State, on charter bus operation,
7 charter bus safety, and certain special traffic laws
8 relating to school buses determined by the Secretary of
9 State to be relevant to charter buses, and submitted to a
10 review of the driver applicant's driving habits by the
11 Secretary of State at the time the written test is given;

12 (3) the person has demonstrated physical fitness to
13 operate school buses by submitting the results of a medical
14 examination, including tests for drug use; and

15 (4) the person has not been convicted of committing or
16 attempting to commit any one or more of the following
17 offenses: (i) those offenses defined in Sections 8-1.2,
18 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
19 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5,
20 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1,
21 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1,
22 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21,
23 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4,
24 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
25 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3,
26 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,

1 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1,
2 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3,
3 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7,
4 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1,
5 and in subsection (b) of Section 8-1, and in subdivisions
6 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),
7 and (f) (1) of Section 12-3.05, and in subsection (a) and
8 subsection (b), clause (1), of Section 12-4, and in
9 subsection (A), clauses (a) and (b), of Section 24-3, and
10 those offenses contained in Article 29D of the Criminal
11 Code of 1961; (ii) those offenses defined in the Cannabis
12 Control Act except those offenses defined in subsections
13 (a) and (b) of Section 4, and subsection (a) of Section 5
14 of the Cannabis Control Act; (iii) those offenses defined
15 in the Illinois Controlled Substances Act; (iv) those
16 offenses defined in the Methamphetamine Control and
17 Community Protection Act; (v) any offense committed or
18 attempted in any other state or against the laws of the
19 United States, which if committed or attempted in this
20 State would be punishable as one or more of the foregoing
21 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
22 of the Wrongs to Children Act; (vii) those offenses defined
23 in Section 6-16 of the Liquor Control Act of 1934; and
24 (viii) those offenses defined in the Methamphetamine
25 Precursor Control Act.

26 The Department of State Police shall charge a fee for

1 conducting the criminal history records check, which shall be
2 deposited into the State Police Services Fund and may not
3 exceed the actual cost of the records check.

4 (c-2) The Secretary shall issue a CDL with a school bus
5 endorsement to allow a person to drive a school bus as defined
6 in this Section. The CDL shall be issued according to the
7 requirements outlined in 49 C.F.R. 383. A person may not
8 operate a school bus as defined in this Section without a
9 school bus endorsement. The Secretary of State may adopt rules
10 consistent with Federal guidelines to implement this
11 subsection (c-2).

12 (d) Commercial driver instruction permit. A commercial
13 driver instruction permit may be issued to any person holding a
14 valid Illinois driver's license if such person successfully
15 passes such tests as the Secretary determines to be necessary.
16 A commercial driver instruction permit shall not be issued to a
17 person who does not meet the requirements of 49 CFR 391.41
18 (b)(11), except for the renewal of a commercial driver
19 instruction permit for a person who possesses a commercial
20 instruction permit prior to the effective date of this
21 amendatory Act of 1999.

22 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;
23 96-1182, eff. 7-22-10.)

24 Section 955. The Juvenile Court Act of 1987 is amended by
25 changing Sections 2-25, 3-26, 4-23, 5-130, 5-410, and 5-730 as

1 follows:

2 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

3 Sec. 2-25. Order of protection.

4 (1) The court may make an order of protection in assistance
5 of or as a condition of any other order authorized by this Act.
6 The order of protection shall be based on the health, safety
7 and best interests of the minor and may set forth reasonable
8 conditions of behavior to be observed for a specified period.
9 Such an order may require a person:

10 (a) to stay away from the home or the minor;

11 (b) to permit a parent to visit the minor at stated
12 periods;

13 (c) to abstain from offensive conduct against the
14 minor, his parent or any person to whom custody of the
15 minor is awarded;

16 (d) to give proper attention to the care of the home;

17 (e) to cooperate in good faith with an agency to which
18 custody of a minor is entrusted by the court or with an
19 agency or association to which the minor is referred by the
20 court;

21 (f) to prohibit and prevent any contact whatsoever with
22 the respondent minor by a specified individual or
23 individuals who are alleged in either a criminal or
24 juvenile proceeding to have caused injury to a respondent
25 minor or a sibling of a respondent minor;

1 (g) to refrain from acts of commission or omission that
2 tend to make the home not a proper place for the minor;

3 (h) to refrain from contacting the minor and the foster
4 parents in any manner that is not specified in writing in
5 the case plan.

6 (2) The court shall enter an order of protection to
7 prohibit and prevent any contact between a respondent minor or
8 a sibling of a respondent minor and any person named in a
9 petition seeking an order of protection who has been convicted
10 of heinous battery under Section 12-4.1 or aggravated battery
11 under subdivision (a)(2) of Section 12-3.05, aggravated
12 battery of a child under Section 12-4.3 or aggravated battery
13 under subdivision (b)(1) of Section 12-3.05, criminal sexual
14 assault under Section 12-13, aggravated criminal sexual
15 assault under Section 12-14, predatory criminal sexual assault
16 of a child under Section 12-14.1, criminal sexual abuse under
17 Section 12-15, or aggravated criminal sexual abuse under
18 Section 12-16 of the Criminal Code of 1961, or has been
19 convicted of an offense that resulted in the death of a child,
20 or has violated a previous order of protection under this
21 Section.

22 (3) When the court issues an order of protection against
23 any person as provided by this Section, the court shall direct
24 a copy of such order to the Sheriff of that county. The Sheriff
25 shall furnish a copy of the order of protection to the
26 Department of State Police within 24 hours of receipt, in the

1 form and manner required by the Department. The Department of
2 State Police shall maintain a complete record and index of such
3 orders of protection and make this data available to all local
4 law enforcement agencies.

5 (4) After notice and opportunity for hearing afforded to a
6 person subject to an order of protection, the order may be
7 modified or extended for a further specified period or both or
8 may be terminated if the court finds that the health, safety,
9 and best interests of the minor and the public will be served
10 thereby.

11 (5) An order of protection may be sought at any time during
12 the course of any proceeding conducted pursuant to this Act if
13 such an order is consistent with the health, safety, and best
14 interests of the minor. Any person against whom an order of
15 protection is sought may retain counsel to represent him at a
16 hearing, and has rights to be present at the hearing, to be
17 informed prior to the hearing in writing of the contents of the
18 petition seeking a protective order and of the date, place and
19 time of such hearing, and to cross examine witnesses called by
20 the petitioner and to present witnesses and argument in
21 opposition to the relief sought in the petition.

22 (6) Diligent efforts shall be made by the petitioner to
23 serve any person or persons against whom any order of
24 protection is sought with written notice of the contents of the
25 petition seeking a protective order and of the date, place and
26 time at which the hearing on the petition is to be held. When a

1 protective order is being sought in conjunction with a
2 temporary custody hearing, if the court finds that the person
3 against whom the protective order is being sought has been
4 notified of the hearing or that diligent efforts have been made
5 to notify such person, the court may conduct a hearing. If a
6 protective order is sought at any time other than in
7 conjunction with a temporary custody hearing, the court may not
8 conduct a hearing on the petition in the absence of the person
9 against whom the order is sought unless the petitioner has
10 notified such person by personal service at least 3 days before
11 the hearing or has sent written notice by first class mail to
12 such person's last known address at least 5 days before the
13 hearing.

14 (7) A person against whom an order of protection is being
15 sought who is neither a parent, guardian, legal custodian or
16 responsible relative as described in Section 1-5 is not a party
17 or respondent as defined in that Section and shall not be
18 entitled to the rights provided therein. Such person does not
19 have a right to appointed counsel or to be present at any
20 hearing other than the hearing in which the order of protection
21 is being sought or a hearing directly pertaining to that order.
22 Unless the court orders otherwise, such person does not have a
23 right to inspect the court file.

24 (8) All protective orders entered under this Section shall
25 be in writing. Unless the person against whom the order was
26 obtained was present in court when the order was issued, the

1 sheriff, other law enforcement official or special process
2 server shall promptly serve that order upon that person and
3 file proof of such service, in the manner provided for service
4 of process in civil proceedings. The person against whom the
5 protective order was obtained may seek a modification of the
6 order by filing a written motion to modify the order within 7
7 days after actual receipt by the person of a copy of the order.
8 Any modification of the order granted by the court must be
9 determined to be consistent with the best interests of the
10 minor.

11 (9) If a petition is filed charging a violation of a
12 condition contained in the protective order and if the court
13 determines that this violation is of a critical service
14 necessary to the safety and welfare of the minor, the court may
15 proceed to findings and an order for temporary custody.

16 (Source: P.A. 95-405, eff. 6-1-08.)

17 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

18 Sec. 3-26. Order of protection.

19 (1) The court may make an order of protection in assistance
20 of or as a condition of any other order authorized by this Act.
21 The order of protection may set forth reasonable conditions of
22 behavior to be observed for a specified period. Such an order
23 may require a person:

24 (a) To stay away from the home or the minor;

25 (b) To permit a parent to visit the minor at stated

1 periods;

2 (c) To abstain from offensive conduct against the
3 minor, his parent or any person to whom custody of the
4 minor is awarded;

5 (d) To give proper attention to the care of the home;

6 (e) To cooperate in good faith with an agency to which
7 custody of a minor is entrusted by the court or with an
8 agency or association to which the minor is referred by the
9 court;

10 (f) To prohibit and prevent any contact whatsoever with
11 the respondent minor by a specified individual or
12 individuals who are alleged in either a criminal or
13 juvenile proceeding to have caused injury to a respondent
14 minor or a sibling of a respondent minor;

15 (g) To refrain from acts of commission or omission that
16 tend to make the home not a proper place for the minor.

17 (2) The court shall enter an order of protection to
18 prohibit and prevent any contact between a respondent minor or
19 a sibling of a respondent minor and any person named in a
20 petition seeking an order of protection who has been convicted
21 of heinous battery under Section 12-4.1 or aggravated battery
22 under subdivision (a)(2) of Section 12-3.05, aggravated
23 battery of a child under Section 12-4.3 or aggravated battery
24 under subdivision (b)(1) of Section 12-3.05, criminal sexual
25 assault under Section 12-13, aggravated criminal sexual
26 assault under Section 12-14, predatory criminal sexual assault

1 of a child under Section 12-14.1, criminal sexual abuse under
2 Section 12-15, or aggravated criminal sexual abuse under
3 Section 12-16 of the Criminal Code of 1961, or has been
4 convicted of an offense that resulted in the death of a child,
5 or has violated a previous order of protection under this
6 Section.

7 (3) When the court issues an order of protection against
8 any person as provided by this Section, the court shall direct
9 a copy of such order to the Sheriff of that county. The Sheriff
10 shall furnish a copy of the order of protection to the
11 Department of State Police within 24 hours of receipt, in the
12 form and manner required by the Department. The Department of
13 State Police shall maintain a complete record and index of such
14 orders of protection and make this data available to all local
15 law enforcement agencies.

16 (4) After notice and opportunity for hearing afforded to a
17 person subject to an order of protection, the order may be
18 modified or extended for a further specified period or both or
19 may be terminated if the court finds that the best interests of
20 the minor and the public will be served thereby.

21 (5) An order of protection may be sought at any time during
22 the course of any proceeding conducted pursuant to this Act.
23 Any person against whom an order of protection is sought may
24 retain counsel to represent him at a hearing, and has rights to
25 be present at the hearing, to be informed prior to the hearing
26 in writing of the contents of the petition seeking a protective

1 order and of the date, place and time of such hearing, and to
2 cross examine witnesses called by the petitioner and to present
3 witnesses and argument in opposition to the relief sought in
4 the petition.

5 (6) Diligent efforts shall be made by the petitioner to
6 serve any person or persons against whom any order of
7 protection is sought with written notice of the contents of the
8 petition seeking a protective order and of the date, place and
9 time at which the hearing on the petition is to be held. When a
10 protective order is being sought in conjunction with a shelter
11 care hearing, if the court finds that the person against whom
12 the protective order is being sought has been notified of the
13 hearing or that diligent efforts have been made to notify such
14 person, the court may conduct a hearing. If a protective order
15 is sought at any time other than in conjunction with a shelter
16 care hearing, the court may not conduct a hearing on the
17 petition in the absence of the person against whom the order is
18 sought unless the petitioner has notified such person by
19 personal service at least 3 days before the hearing or has sent
20 written notice by first class mail to such person's last known
21 address at least 5 days before the hearing.

22 (7) A person against whom an order of protection is being
23 sought who is neither a parent, guardian, legal custodian or
24 responsible relative as described in Section 1-5 is not a party
25 or respondent as defined in that Section and shall not be
26 entitled to the rights provided therein. Such person does not

1 have a right to appointed counsel or to be present at any
2 hearing other than the hearing in which the order of protection
3 is being sought or a hearing directly pertaining to that order.
4 Unless the court orders otherwise, such person does not have a
5 right to inspect the court file.

6 (8) All protective orders entered under this Section shall
7 be in writing. Unless the person against whom the order was
8 obtained was present in court when the order was issued, the
9 sheriff, other law enforcement official or special process
10 server shall promptly serve that order upon that person and
11 file proof of such service, in the manner provided for service
12 of process in civil proceedings. The person against whom the
13 protective order was obtained may seek a modification of the
14 order by filing a written motion to modify the order within 7
15 days after actual receipt by the person of a copy of the order.
16 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
17 90-655, eff. 7-30-98.)

18 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

19 Sec. 4-23. Order of protection.

20 (1) The court may make an order of protection in assistance
21 of or as a condition of any other order authorized by this Act.
22 The order of protection may set forth reasonable conditions of
23 behavior to be observed for a specified period. Such an order
24 may require a person:

25 (a) To stay away from the home or the minor;

1 (b) To permit a parent to visit the minor at stated
2 periods;

3 (c) To abstain from offensive conduct against the
4 minor, his parent or any person to whom custody of the
5 minor is awarded;

6 (d) To give proper attention to the care of the home;

7 (e) To cooperate in good faith with an agency to which
8 custody of a minor is entrusted by the court or with an
9 agency or association to which the minor is referred by the
10 court;

11 (f) To prohibit and prevent any contact whatsoever with
12 the respondent minor by a specified individual or
13 individuals who are alleged in either a criminal or
14 juvenile proceeding to have caused injury to a respondent
15 minor or a sibling of a respondent minor;

16 (g) To refrain from acts of commission or omission that
17 tend to make the home not a proper place for the minor.

18 (2) The court shall enter an order of protection to
19 prohibit and prevent any contact between a respondent minor or
20 a sibling of a respondent minor and any person named in a
21 petition seeking an order of protection who has been convicted
22 of heinous battery under Section 12-4.1 or aggravated battery
23 under subdivision (a)(2) of Section 12-3.05, aggravated
24 battery of a child under Section 12-4.3 or aggravated battery
25 under subdivision (b)(1) of Section 12-3.05, criminal sexual
26 assault under Section 12-13, aggravated criminal sexual

1 assault under Section 12-14, predatory criminal sexual assault
2 of a child under Section 12-14.1, criminal sexual abuse under
3 Section 12-15, or aggravated criminal sexual abuse under
4 Section 12-16 of the Criminal Code of 1961, or has been
5 convicted of an offense that resulted in the death of a child,
6 or has violated a previous order of protection under this
7 Section.

8 (3) When the court issues an order of protection against
9 any person as provided by this Section, the court shall direct
10 a copy of such order to the Sheriff of that county. The Sheriff
11 shall furnish a copy of the order of protection to the
12 Department of State Police within 24 hours of receipt, in the
13 form and manner required by the Department. The Department of
14 State Police shall maintain a complete record and index of such
15 orders of protection and make this data available to all local
16 law enforcement agencies.

17 (4) After notice and opportunity for hearing afforded to a
18 person subject to an order of protection, the order may be
19 modified or extended for a further specified period or both or
20 may be terminated if the court finds that the best interests of
21 the minor and the public will be served thereby.

22 (5) An order of protection may be sought at any time during
23 the course of any proceeding conducted pursuant to this Act.
24 Any person against whom an order of protection is sought may
25 retain counsel to represent him at a hearing, and has rights to
26 be present at the hearing, to be informed prior to the hearing

1 in writing of the contents of the petition seeking a protective
2 order and of the date, place and time of such hearing, and to
3 cross examine witnesses called by the petitioner and to present
4 witnesses and argument in opposition to the relief sought in
5 the petition.

6 (6) Diligent efforts shall be made by the petitioner to
7 serve any person or persons against whom any order of
8 protection is sought with written notice of the contents of the
9 petition seeking a protective order and of the date, place and
10 time at which the hearing on the petition is to be held. When a
11 protective order is being sought in conjunction with a shelter
12 care hearing, if the court finds that the person against whom
13 the protective order is being sought has been notified of the
14 hearing or that diligent efforts have been made to notify such
15 person, the court may conduct a hearing. If a protective order
16 is sought at any time other than in conjunction with a shelter
17 care hearing, the court may not conduct a hearing on the
18 petition in the absence of the person against whom the order is
19 sought unless the petitioner has notified such person by
20 personal service at least 3 days before the hearing or has sent
21 written notice by first class mail to such person's last known
22 address at least 5 days before the hearing.

23 (7) A person against whom an order of protection is being
24 sought who is neither a parent, guardian, legal custodian or
25 responsible relative as described in Section 1-5 is not a party
26 or respondent as defined in that Section and shall not be

1 entitled to the rights provided therein. Such person does not
2 have a right to appointed counsel or to be present at any
3 hearing other than the hearing in which the order of protection
4 is being sought or a hearing directly pertaining to that order.
5 Unless the court orders otherwise, such person does not have a
6 right to inspect the court file.

7 (8) All protective orders entered under this Section shall
8 be in writing. Unless the person against whom the order was
9 obtained was present in court when the order was issued, the
10 sheriff, other law enforcement official or special process
11 server shall promptly serve that order upon that person and
12 file proof of such service, in the manner provided for service
13 of process in civil proceedings. The person against whom the
14 protective order was obtained may seek a modification of the
15 order by filing a written motion to modify the order within 7
16 days after actual receipt by the person of a copy of the order.

17 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
18 90-655, eff. 7-30-98.)

19 (705 ILCS 405/5-130)

20 Sec. 5-130. Excluded jurisdiction.

21 (1) (a) The definition of delinquent minor under Section
22 5-120 of this Article shall not apply to any minor who at the
23 time of an offense was at least 15 years of age and who is
24 charged with: (i) first degree murder, (ii) aggravated criminal
25 sexual assault, (iii) aggravated battery with a firearm as

1 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
2 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally
3 discharged a firearm as defined in Section 2-15.5 of the
4 Criminal Code of 1961, (iv) armed robbery when the armed
5 robbery was committed with a firearm, or (v) aggravated
6 vehicular hijacking when the hijacking was committed with a
7 firearm.

8 These charges and all other charges arising out of the same
9 incident shall be prosecuted under the criminal laws of this
10 State.

11 (b) (i) If before trial or plea an information or
12 indictment is filed that does not charge an offense specified
13 in paragraph (a) of this subsection (1) the State's Attorney
14 may proceed on any lesser charge or charges, but only in
15 Juvenile Court under the provisions of this Article. The
16 State's Attorney may proceed under the Criminal Code of 1961 on
17 a lesser charge if before trial the minor defendant knowingly
18 and with advice of counsel waives, in writing, his or her right
19 to have the matter proceed in Juvenile Court.

20 (ii) If before trial or plea an information or indictment
21 is filed that includes one or more charges specified in
22 paragraph (a) of this subsection (1) and additional charges
23 that are not specified in that paragraph, all of the charges
24 arising out of the same incident shall be prosecuted under the
25 Criminal Code of 1961.

26 (c) (i) If after trial or plea the minor is convicted of

1 any offense covered by paragraph (a) of this subsection (1),
2 then, in sentencing the minor, the court shall have available
3 any or all dispositions prescribed for that offense under
4 Chapter V of the Unified Code of Corrections.

5 (ii) If after trial or plea the court finds that the minor
6 committed an offense not covered by paragraph (a) of this
7 subsection (1), that finding shall not invalidate the verdict
8 or the prosecution of the minor under the criminal laws of the
9 State; however, unless the State requests a hearing for the
10 purpose of sentencing the minor under Chapter V of the Unified
11 Code of Corrections, the Court must proceed under Sections
12 5-705 and 5-710 of this Article. To request a hearing, the
13 State must file a written motion within 10 days following the
14 entry of a finding or the return of a verdict. Reasonable
15 notice of the motion shall be given to the minor or his or her
16 counsel. If the motion is made by the State, the court shall
17 conduct a hearing to determine if the minor should be sentenced
18 under Chapter V of the Unified Code of Corrections. In making
19 its determination, the court shall consider among other
20 matters: (a) whether there is evidence that the offense was
21 committed in an aggressive and premeditated manner; (b) the age
22 of the minor; (c) the previous history of the minor; (d)
23 whether there are facilities particularly available to the
24 Juvenile Court or the Department of Juvenile Justice for the
25 treatment and rehabilitation of the minor; (e) whether the
26 security of the public requires sentencing under Chapter V of

1 the Unified Code of Corrections; and (f) whether the minor
2 possessed a deadly weapon when committing the offense. The
3 rules of evidence shall be the same as if at trial. If after
4 the hearing the court finds that the minor should be sentenced
5 under Chapter V of the Unified Code of Corrections, then the
6 court shall sentence the minor accordingly having available to
7 it any or all dispositions so prescribed.

8 (2) (Blank).

9 (3) (a) The definition of delinquent minor under Section
10 5-120 of this Article shall not apply to any minor who at the
11 time of the offense was at least 15 years of age and who is
12 charged with a violation of the provisions of paragraph (1),
13 (3), (4), or (10) of subsection (a) of Section 24-1 of the
14 Criminal Code of 1961 while in school, regardless of the time
15 of day or the time of year, or on the real property comprising
16 any school, regardless of the time of day or the time of year.
17 School is defined, for purposes of this Section as any public
18 or private elementary or secondary school, community college,
19 college, or university. These charges and all other charges
20 arising out of the same incident shall be prosecuted under the
21 criminal laws of this State.

22 (b) (i) If before trial or plea an information or
23 indictment is filed that does not charge an offense specified
24 in paragraph (a) of this subsection (3) the State's Attorney
25 may proceed on any lesser charge or charges, but only in
26 Juvenile Court under the provisions of this Article. The

1 State's Attorney may proceed under the criminal laws of this
2 State on a lesser charge if before trial the minor defendant
3 knowingly and with advice of counsel waives, in writing, his or
4 her right to have the matter proceed in Juvenile Court.

5 (ii) If before trial or plea an information or indictment
6 is filed that includes one or more charges specified in
7 paragraph (a) of this subsection (3) and additional charges
8 that are not specified in that paragraph, all of the charges
9 arising out of the same incident shall be prosecuted under the
10 criminal laws of this State.

11 (c) (i) If after trial or plea the minor is convicted of
12 any offense covered by paragraph (a) of this subsection (3),
13 then, in sentencing the minor, the court shall have available
14 any or all dispositions prescribed for that offense under
15 Chapter V of the Unified Code of Corrections.

16 (ii) If after trial or plea the court finds that the minor
17 committed an offense not covered by paragraph (a) of this
18 subsection (3), that finding shall not invalidate the verdict
19 or the prosecution of the minor under the criminal laws of the
20 State; however, unless the State requests a hearing for the
21 purpose of sentencing the minor under Chapter V of the Unified
22 Code of Corrections, the Court must proceed under Sections
23 5-705 and 5-710 of this Article. To request a hearing, the
24 State must file a written motion within 10 days following the
25 entry of a finding or the return of a verdict. Reasonable
26 notice of the motion shall be given to the minor or his or her

1 counsel. If the motion is made by the State, the court shall
2 conduct a hearing to determine if the minor should be sentenced
3 under Chapter V of the Unified Code of Corrections. In making
4 its determination, the court shall consider among other
5 matters: (a) whether there is evidence that the offense was
6 committed in an aggressive and premeditated manner; (b) the age
7 of the minor; (c) the previous history of the minor; (d)
8 whether there are facilities particularly available to the
9 Juvenile Court or the Department of Juvenile Justice for the
10 treatment and rehabilitation of the minor; (e) whether the
11 security of the public requires sentencing under Chapter V of
12 the Unified Code of Corrections; and (f) whether the minor
13 possessed a deadly weapon when committing the offense. The
14 rules of evidence shall be the same as if at trial. If after
15 the hearing the court finds that the minor should be sentenced
16 under Chapter V of the Unified Code of Corrections, then the
17 court shall sentence the minor accordingly having available to
18 it any or all dispositions so prescribed.

19 (4) (a) The definition of delinquent minor under Section
20 5-120 of this Article shall not apply to any minor who at the
21 time of an offense was at least 13 years of age and who is
22 charged with first degree murder committed during the course of
23 either aggravated criminal sexual assault, criminal sexual
24 assault, or aggravated kidnaping. However, this subsection (4)
25 does not include a minor charged with first degree murder based
26 exclusively upon the accountability provisions of the Criminal

1 Code of 1961.

2 (b) (i) If before trial or plea an information or
3 indictment is filed that does not charge first degree murder
4 committed during the course of aggravated criminal sexual
5 assault, criminal sexual assault, or aggravated kidnaping, the
6 State's Attorney may proceed on any lesser charge or charges,
7 but only in Juvenile Court under the provisions of this
8 Article. The State's Attorney may proceed under the criminal
9 laws of this State on a lesser charge if before trial the minor
10 defendant knowingly and with advice of counsel waives, in
11 writing, his or her right to have the matter proceed in
12 Juvenile Court.

13 (ii) If before trial or plea an information or indictment
14 is filed that includes first degree murder committed during the
15 course of aggravated criminal sexual assault, criminal sexual
16 assault, or aggravated kidnaping, and additional charges that
17 are not specified in paragraph (a) of this subsection, all of
18 the charges arising out of the same incident shall be
19 prosecuted under the criminal laws of this State.

20 (c) (i) If after trial or plea the minor is convicted of
21 first degree murder committed during the course of aggravated
22 criminal sexual assault, criminal sexual assault, or
23 aggravated kidnaping, in sentencing the minor, the court shall
24 have available any or all dispositions prescribed for that
25 offense under Chapter V of the Unified Code of Corrections.

26 (ii) If the minor was not yet 15 years of age at the time of

1 the offense, and if after trial or plea the court finds that
2 the minor committed an offense other than first degree murder
3 committed during the course of either aggravated criminal
4 sexual assault, criminal sexual assault, or aggravated
5 kidnapping, the finding shall not invalidate the verdict or the
6 prosecution of the minor under the criminal laws of the State;
7 however, unless the State requests a hearing for the purpose of
8 sentencing the minor under Chapter V of the Unified Code of
9 Corrections, the Court must proceed under Sections 5-705 and
10 5-710 of this Article. To request a hearing, the State must
11 file a written motion within 10 days following the entry of a
12 finding or the return of a verdict. Reasonable notice of the
13 motion shall be given to the minor or his or her counsel. If
14 the motion is made by the State, the court shall conduct a
15 hearing to determine whether the minor should be sentenced
16 under Chapter V of the Unified Code of Corrections. In making
17 its determination, the court shall consider among other
18 matters: (a) whether there is evidence that the offense was
19 committed in an aggressive and premeditated manner; (b) the age
20 of the minor; (c) the previous delinquent history of the minor;
21 (d) whether there are facilities particularly available to the
22 Juvenile Court or the Department of Juvenile Justice for the
23 treatment and rehabilitation of the minor; (e) whether the best
24 interest of the minor and the security of the public require
25 sentencing under Chapter V of the Unified Code of Corrections;
26 and (f) whether the minor possessed a deadly weapon when

1 committing the offense. The rules of evidence shall be the same
2 as if at trial. If after the hearing the court finds that the
3 minor should be sentenced under Chapter V of the Unified Code
4 of Corrections, then the court shall sentence the minor
5 accordingly having available to it any or all dispositions so
6 prescribed.

7 (5) (a) The definition of delinquent minor under Section
8 5-120 of this Article shall not apply to any minor who is
9 charged with a violation of subsection (a) of Section 31-6 or
10 Section 32-10 of the Criminal Code of 1961 when the minor is
11 subject to prosecution under the criminal laws of this State as
12 a result of the application of the provisions of Section 5-125,
13 or subsection (1) or (2) of this Section. These charges and all
14 other charges arising out of the same incident shall be
15 prosecuted under the criminal laws of this State.

16 (b) (i) If before trial or plea an information or
17 indictment is filed that does not charge an offense specified
18 in paragraph (a) of this subsection (5), the State's Attorney
19 may proceed on any lesser charge or charges, but only in
20 Juvenile Court under the provisions of this Article. The
21 State's Attorney may proceed under the criminal laws of this
22 State on a lesser charge if before trial the minor defendant
23 knowingly and with advice of counsel waives, in writing, his or
24 her right to have the matter proceed in Juvenile Court.

25 (ii) If before trial or plea an information or indictment
26 is filed that includes one or more charges specified in

1 paragraph (a) of this subsection (5) and additional charges
2 that are not specified in that paragraph, all of the charges
3 arising out of the same incident shall be prosecuted under the
4 criminal laws of this State.

5 (c) (i) If after trial or plea the minor is convicted of
6 any offense covered by paragraph (a) of this subsection (5),
7 then, in sentencing the minor, the court shall have available
8 any or all dispositions prescribed for that offense under
9 Chapter V of the Unified Code of Corrections.

10 (ii) If after trial or plea the court finds that the minor
11 committed an offense not covered by paragraph (a) of this
12 subsection (5), the conviction shall not invalidate the verdict
13 or the prosecution of the minor under the criminal laws of this
14 State; however, unless the State requests a hearing for the
15 purpose of sentencing the minor under Chapter V of the Unified
16 Code of Corrections, the Court must proceed under Sections
17 5-705 and 5-710 of this Article. To request a hearing, the
18 State must file a written motion within 10 days following the
19 entry of a finding or the return of a verdict. Reasonable
20 notice of the motion shall be given to the minor or his or her
21 counsel. If the motion is made by the State, the court shall
22 conduct a hearing to determine if whether the minor should be
23 sentenced under Chapter V of the Unified Code of Corrections.
24 In making its determination, the court shall consider among
25 other matters: (a) whether there is evidence that the offense
26 was committed in an aggressive and premeditated manner; (b) the

1 age of the minor; (c) the previous delinquent history of the
2 minor; (d) whether there are facilities particularly available
3 to the Juvenile Court or the Department of Juvenile Justice for
4 the treatment and rehabilitation of the minor; (e) whether the
5 security of the public requires sentencing under Chapter V of
6 the Unified Code of Corrections; and (f) whether the minor
7 possessed a deadly weapon when committing the offense. The
8 rules of evidence shall be the same as if at trial. If after
9 the hearing the court finds that the minor should be sentenced
10 under Chapter V of the Unified Code of Corrections, then the
11 court shall sentence the minor accordingly having available to
12 it any or all dispositions so prescribed.

13 (6) The definition of delinquent minor under Section 5-120
14 of this Article shall not apply to any minor who, pursuant to
15 subsection (1) or (3) or Section 5-805 or 5-810, has previously
16 been placed under the jurisdiction of the criminal court and
17 has been convicted of a crime under an adult criminal or penal
18 statute. Such a minor shall be subject to prosecution under the
19 criminal laws of this State.

20 (7) The procedures set out in this Article for the
21 investigation, arrest and prosecution of juvenile offenders
22 shall not apply to minors who are excluded from jurisdiction of
23 the Juvenile Court, except that minors under 17 years of age
24 shall be kept separate from confined adults.

25 (8) Nothing in this Act prohibits or limits the prosecution
26 of any minor for an offense committed on or after his or her

1 17th birthday even though he or she is at the time of the
2 offense a ward of the court.

3 (9) If an original petition for adjudication of wardship
4 alleges the commission by a minor 13 years of age or over of an
5 act that constitutes a crime under the laws of this State, the
6 minor, with the consent of his or her counsel, may, at any time
7 before commencement of the adjudicatory hearing, file with the
8 court a motion that criminal prosecution be ordered and that
9 the petition be dismissed insofar as the act or acts involved
10 in the criminal proceedings are concerned. If such a motion is
11 filed as herein provided, the court shall enter its order
12 accordingly.

13 (10) If, prior to August 12, 2005 (the effective date of
14 Public Act 94-574), a minor is charged with a violation of
15 Section 401 of the Illinois Controlled Substances Act under the
16 criminal laws of this State, other than a minor charged with a
17 Class X felony violation of the Illinois Controlled Substances
18 Act or the Methamphetamine Control and Community Protection
19 Act, any party including the minor or the court sua sponte may,
20 before trial, move for a hearing for the purpose of trying and
21 sentencing the minor as a delinquent minor. To request a
22 hearing, the party must file a motion prior to trial.
23 Reasonable notice of the motion shall be given to all parties.
24 On its own motion or upon the filing of a motion by one of the
25 parties including the minor, the court shall conduct a hearing
26 to determine whether the minor should be tried and sentenced as

1 a delinquent minor under this Article. In making its
2 determination, the court shall consider among other matters:

3 (a) The age of the minor;

4 (b) Any previous delinquent or criminal history of the
5 minor;

6 (c) Any previous abuse or neglect history of the minor;

7 (d) Any mental health or educational history of the minor,
8 or both; and

9 (e) Whether there is probable cause to support the charge,
10 whether the minor is charged through accountability, and
11 whether there is evidence the minor possessed a deadly weapon
12 or caused serious bodily harm during the offense.

13 Any material that is relevant and reliable shall be
14 admissible at the hearing. In all cases, the judge shall enter
15 an order permitting prosecution under the criminal laws of
16 Illinois unless the judge makes a finding based on a
17 preponderance of the evidence that the minor would be amenable
18 to the care, treatment, and training programs available through
19 the facilities of the juvenile court based on an evaluation of
20 the factors listed in this subsection (10).

21 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
22 94-696, eff. 6-1-06.)

23 (705 ILCS 405/5-410)

24 Sec. 5-410. Non-secure custody or detention.

25 (1) Any minor arrested or taken into custody pursuant to

1 this Act who requires care away from his or her home but who
2 does not require physical restriction shall be given temporary
3 care in a foster family home or other shelter facility
4 designated by the court.

5 (2) (a) Any minor 10 years of age or older arrested
6 pursuant to this Act where there is probable cause to believe
7 that the minor is a delinquent minor and that (i) secured
8 custody is a matter of immediate and urgent necessity for the
9 protection of the minor or of the person or property of
10 another, (ii) the minor is likely to flee the jurisdiction of
11 the court, or (iii) the minor was taken into custody under a
12 warrant, may be kept or detained in an authorized detention
13 facility. No minor under 12 years of age shall be detained in a
14 county jail or a municipal lockup for more than 6 hours.

15 (b) The written authorization of the probation officer or
16 detention officer (or other public officer designated by the
17 court in a county having 3,000,000 or more inhabitants)
18 constitutes authority for the superintendent of any juvenile
19 detention home to detain and keep a minor for up to 40 hours,
20 excluding Saturdays, Sundays and court-designated holidays.
21 These records shall be available to the same persons and
22 pursuant to the same conditions as are law enforcement records
23 as provided in Section 5-905.

24 (b-4) The consultation required by subsection (b-5) shall
25 not be applicable if the probation officer or detention officer
26 (or other public officer designated by the court in a county

1 having 3,000,000 or more inhabitants) utilizes a scorable
2 detention screening instrument, which has been developed with
3 input by the State's Attorney, to determine whether a minor
4 should be detained, however, subsection (b-5) shall still be
5 applicable where no such screening instrument is used or where
6 the probation officer, detention officer (or other public
7 officer designated by the court in a county having 3,000,000 or
8 more inhabitants) deviates from the screening instrument.

9 (b-5) Subject to the provisions of subsection (b-4), if a
10 probation officer or detention officer (or other public officer
11 designated by the court in a county having 3,000,000 or more
12 inhabitants) does not intend to detain a minor for an offense
13 which constitutes one of the following offenses he or she shall
14 consult with the State's Attorney's Office prior to the release
15 of the minor: first degree murder, second degree murder,
16 involuntary manslaughter, criminal sexual assault, aggravated
17 criminal sexual assault, aggravated battery with a firearm as
18 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
19 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous
20 battery involving permanent disability or disfigurement or
21 great bodily harm, robbery, aggravated robbery, armed robbery,
22 vehicular hijacking, aggravated vehicular hijacking, vehicular
23 invasion, arson, aggravated arson, kidnapping, aggravated
24 kidnapping, home invasion, burglary, or residential burglary.

25 (c) Except as otherwise provided in paragraph (a), (d), or
26 (e), no minor shall be detained in a county jail or municipal

1 lockup for more than 12 hours, unless the offense is a crime of
2 violence in which case the minor may be detained up to 24
3 hours. For the purpose of this paragraph, "crime of violence"
4 has the meaning ascribed to it in Section 1-10 of the
5 Alcoholism and Other Drug Abuse and Dependency Act.

6 (i) The period of detention is deemed to have begun
7 once the minor has been placed in a locked room or cell or
8 handcuffed to a stationary object in a building housing a
9 county jail or municipal lockup. Time spent transporting a
10 minor is not considered to be time in detention or secure
11 custody.

12 (ii) Any minor so confined shall be under periodic
13 supervision and shall not be permitted to come into or
14 remain in contact with adults in custody in the building.

15 (iii) Upon placement in secure custody in a jail or
16 lockup, the minor shall be informed of the purpose of the
17 detention, the time it is expected to last and the fact
18 that it cannot exceed the time specified under this Act.

19 (iv) A log shall be kept which shows the offense which
20 is the basis for the detention, the reasons and
21 circumstances for the decision to detain and the length of
22 time the minor was in detention.

23 (v) Violation of the time limit on detention in a
24 county jail or municipal lockup shall not, in and of
25 itself, render inadmissible evidence obtained as a result
26 of the violation of this time limit. Minors under 17 years

1 of age shall be kept separate from confined adults and may
2 not at any time be kept in the same cell, room or yard with
3 adults confined pursuant to criminal law. Persons 17 years
4 of age and older who have a petition of delinquency filed
5 against them may be confined in an adult detention
6 facility. In making a determination whether to confine a
7 person 17 years of age or older who has a petition of
8 delinquency filed against the person, these factors, among
9 other matters, shall be considered:

10 (A) The age of the person;

11 (B) Any previous delinquent or criminal history of
12 the person;

13 (C) Any previous abuse or neglect history of the
14 person; and

15 (D) Any mental health or educational history of the
16 person, or both.

17 (d) (i) If a minor 12 years of age or older is confined in a
18 county jail in a county with a population below 3,000,000
19 inhabitants, then the minor's confinement shall be implemented
20 in such a manner that there will be no contact by sight, sound
21 or otherwise between the minor and adult prisoners. Minors 12
22 years of age or older must be kept separate from confined
23 adults and may not at any time be kept in the same cell, room,
24 or yard with confined adults. This paragraph (d) (i) shall only
25 apply to confinement pending an adjudicatory hearing and shall
26 not exceed 40 hours, excluding Saturdays, Sundays and court

1 designated holidays. To accept or hold minors during this time
2 period, county jails shall comply with all monitoring standards
3 promulgated by the Department of Corrections and training
4 standards approved by the Illinois Law Enforcement Training
5 Standards Board.

6 (ii) To accept or hold minors, 12 years of age or older,
7 after the time period prescribed in paragraph (d)(i) of this
8 subsection (2) of this Section but not exceeding 7 days
9 including Saturdays, Sundays and holidays pending an
10 adjudicatory hearing, county jails shall comply with all
11 temporary detention standards promulgated by the Department of
12 Corrections and training standards approved by the Illinois Law
13 Enforcement Training Standards Board.

14 (iii) To accept or hold minors 12 years of age or older,
15 after the time period prescribed in paragraphs (d)(i) and
16 (d)(ii) of this subsection (2) of this Section, county jails
17 shall comply with all programmatic and training standards for
18 juvenile detention homes promulgated by the Department of
19 Corrections.

20 (e) When a minor who is at least 15 years of age is
21 prosecuted under the criminal laws of this State, the court may
22 enter an order directing that the juvenile be confined in the
23 county jail. However, any juvenile confined in the county jail
24 under this provision shall be separated from adults who are
25 confined in the county jail in such a manner that there will be
26 no contact by sight, sound or otherwise between the juvenile

1 and adult prisoners.

2 (f) For purposes of appearing in a physical lineup, the
3 minor may be taken to a county jail or municipal lockup under
4 the direct and constant supervision of a juvenile police
5 officer. During such time as is necessary to conduct a lineup,
6 and while supervised by a juvenile police officer, the sight
7 and sound separation provisions shall not apply.

8 (g) For purposes of processing a minor, the minor may be
9 taken to a County Jail or municipal lockup under the direct and
10 constant supervision of a law enforcement officer or
11 correctional officer. During such time as is necessary to
12 process the minor, and while supervised by a law enforcement
13 officer or correctional officer, the sight and sound separation
14 provisions shall not apply.

15 (3) If the probation officer or State's Attorney (or such
16 other public officer designated by the court in a county having
17 3,000,000 or more inhabitants) determines that the minor may be
18 a delinquent minor as described in subsection (3) of Section
19 5-105, and should be retained in custody but does not require
20 physical restriction, the minor may be placed in non-secure
21 custody for up to 40 hours pending a detention hearing.

22 (4) Any minor taken into temporary custody, not requiring
23 secure detention, may, however, be detained in the home of his
24 or her parent or guardian subject to such conditions as the
25 court may impose.

26 (Source: P.A. 93-255, eff. 1-1-04.)

1 (705 ILCS 405/5-730)

2 Sec. 5-730. Order of protection.

3 (1) The court may make an order of protection in assistance
4 of or as a condition of any other order authorized by this Act.
5 The order of protection may set forth reasonable conditions of
6 behavior to be observed for a specified period. The order may
7 require a person:

8 (a) to stay away from the home or the minor;

9 (b) to permit a parent to visit the minor at stated
10 periods;

11 (c) to abstain from offensive conduct against the
12 minor, his or her parent or any person to whom custody of
13 the minor is awarded;

14 (d) to give proper attention to the care of the home;

15 (e) to cooperate in good faith with an agency to which
16 custody of a minor is entrusted by the court or with an
17 agency or association to which the minor is referred by the
18 court;

19 (f) to prohibit and prevent any contact whatsoever with
20 the respondent minor by a specified individual or
21 individuals who are alleged in either a criminal or
22 juvenile proceeding to have caused injury to a respondent
23 minor or a sibling of a respondent minor;

24 (g) to refrain from acts of commission or omission that
25 tend to make the home not a proper place for the minor.

1 (2) The court shall enter an order of protection to
2 prohibit and prevent any contact between a respondent minor or
3 a sibling of a respondent minor and any person named in a
4 petition seeking an order of protection who has been convicted
5 of heinous battery under Section 12-4.1 or aggravated battery
6 under subdivision (a)(2) of Section 12-3.05, aggravated
7 battery of a child under Section 12-4.3 or aggravated battery
8 under subdivision (b)(1) of Section 12-3.05, criminal sexual
9 assault under Section 12-13, aggravated criminal sexual
10 assault under Section 12-14, predatory criminal sexual assault
11 of a child under Section 12-14.1, criminal sexual abuse under
12 Section 12-15, or aggravated criminal sexual abuse under
13 Section 12-16 of the Criminal Code of 1961, or has been
14 convicted of an offense that resulted in the death of a child,
15 or has violated a previous order of protection under this
16 Section.

17 (3) When the court issues an order of protection against
18 any person as provided by this Section, the court shall direct
19 a copy of such order to the sheriff of that county. The sheriff
20 shall furnish a copy of the order of protection to the
21 Department of State Police within 24 hours of receipt, in the
22 form and manner required by the Department. The Department of
23 State Police shall maintain a complete record and index of the
24 orders of protection and make this data available to all local
25 law enforcement agencies.

26 (4) After notice and opportunity for hearing afforded to a

1 person subject to an order of protection, the order may be
2 modified or extended for a further specified period or both or
3 may be terminated if the court finds that the best interests of
4 the minor and the public will be served by the modification,
5 extension, or termination.

6 (5) An order of protection may be sought at any time during
7 the course of any proceeding conducted under this Act. Any
8 person against whom an order of protection is sought may retain
9 counsel to represent him or her at a hearing, and has rights to
10 be present at the hearing, to be informed prior to the hearing
11 in writing of the contents of the petition seeking a protective
12 order and of the date, place, and time of the hearing, and to
13 cross-examine witnesses called by the petitioner and to present
14 witnesses and argument in opposition to the relief sought in
15 the petition.

16 (6) Diligent efforts shall be made by the petitioner to
17 serve any person or persons against whom any order of
18 protection is sought with written notice of the contents of the
19 petition seeking a protective order and of the date, place and
20 time at which the hearing on the petition is to be held. When a
21 protective order is being sought in conjunction with a shelter
22 care or detention hearing, if the court finds that the person
23 against whom the protective order is being sought has been
24 notified of the hearing or that diligent efforts have been made
25 to notify the person, the court may conduct a hearing. If a
26 protective order is sought at any time other than in

1 conjunction with a shelter care or detention hearing, the court
2 may not conduct a hearing on the petition in the absence of the
3 person against whom the order is sought unless the petitioner
4 has notified the person by personal service at least 3 days
5 before the hearing or has sent written notice by first class
6 mail to the person's last known address at least 5 days before
7 the hearing.

8 (7) A person against whom an order of protection is being
9 sought who is neither a parent, guardian, or legal custodian or
10 responsible relative as described in Section 1-5 of this Act or
11 is not a party or respondent as defined in that Section shall
12 not be entitled to the rights provided in that Section. The
13 person does not have a right to appointed counsel or to be
14 present at any hearing other than the hearing in which the
15 order of protection is being sought or a hearing directly
16 pertaining to that order. Unless the court orders otherwise,
17 the person does not have a right to inspect the court file.

18 (8) All protective orders entered under this Section shall
19 be in writing. Unless the person against whom the order was
20 obtained was present in court when the order was issued, the
21 sheriff, other law enforcement official, or special process
22 server shall promptly serve that order upon that person and
23 file proof of that service, in the manner provided for service
24 of process in civil proceedings. The person against whom the
25 protective order was obtained may seek a modification of the
26 order by filing a written motion to modify the order within 7

1 days after actual receipt by the person of a copy of the order.
2 (Source: P.A. 90-590, eff. 1-1-99.)

3 Section 960. The Criminal Code of 1961 is amended by
4 changing Sections 2-10.1, 24-1.7, 33A-2, 33A-3, and 36-1 as
5 follows:

6 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

7 Sec. 2-10.1. "Severely or profoundly mentally retarded
8 person" means a person (i) whose intelligence quotient does not
9 exceed 40 or (ii) whose intelligence quotient does not exceed
10 55 and who suffers from significant mental illness to the
11 extent that the person's ability to exercise rational judgment
12 is impaired. In any proceeding in which the defendant is
13 charged with committing a violation of Section 10-2, 10-5,
14 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16, or
15 subdivision (b) (1) of Section 12-3.05, of this Code against a
16 victim who is alleged to be a severely or profoundly mentally
17 retarded person, any findings concerning the victim's status as
18 a severely or profoundly mentally retarded person, made by a
19 court after a judicial admission hearing concerning the victim
20 under Articles V and VI of Chapter 4 of the Mental Health and
21 Developmental Disabilities Code shall be admissible.
22 (Source: P.A. 92-434, eff. 1-1-02.)

23 (720 ILCS 5/24-1.7)

1 Sec. 24-1.7. Armed habitual criminal.

2 (a) A person commits the offense of being an armed habitual
3 criminal if he or she receives, sells, possesses, or transfers
4 any firearm after having been convicted a total of 2 or more
5 times of any combination of the following offenses:

6 (1) a forcible felony as defined in Section 2-8 of this
7 Code;

8 (2) unlawful use of a weapon by a felon; aggravated
9 unlawful use of a weapon; aggravated discharge of a
10 firearm; vehicular hijacking; aggravated vehicular
11 hijacking; aggravated battery of a child as described in
12 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;
13 intimidation; aggravated intimidation; gunrunning; home
14 invasion; or aggravated battery with a firearm as described
15 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or
16 (e)(4) of Section 12-3.05; or

17 (3) any violation of the Illinois Controlled
18 Substances Act or the Cannabis Control Act that is
19 punishable as a Class 3 felony or higher.

20 (b) Sentence. Being an armed habitual criminal is a Class X
21 felony.

22 (Source: P.A. 94-398, eff. 8-2-05.)

23 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

24 Sec. 33A-2. Armed violence-Elements of the offense.

25 (a) A person commits armed violence when, while armed with

1 a dangerous weapon, he commits any felony defined by Illinois
2 Law, except first degree murder, attempted first degree murder,
3 intentional homicide of an unborn child, second degree murder,
4 involuntary manslaughter, reckless homicide, predatory
5 criminal sexual assault of a child, aggravated battery of a
6 child as described in Section 12-4.3 or subdivision (b) (1) of
7 Section 12-3.05, home invasion, or any offense that makes the
8 possession or use of a dangerous weapon either an element of
9 the base offense, an aggravated or enhanced version of the
10 offense, or a mandatory sentencing factor that increases the
11 sentencing range.

12 (b) A person commits armed violence when he or she
13 personally discharges a firearm that is a Category I or
14 Category II weapon while committing any felony defined by
15 Illinois law, except first degree murder, attempted first
16 degree murder, intentional homicide of an unborn child, second
17 degree murder, involuntary manslaughter, reckless homicide,
18 predatory criminal sexual assault of a child, aggravated
19 battery of a child as described in Section 12-4.3 or
20 subdivision (b) (1) of Section 12-3.05, home invasion, or any
21 offense that makes the possession or use of a dangerous weapon
22 either an element of the base offense, an aggravated or
23 enhanced version of the offense, or a mandatory sentencing
24 factor that increases the sentencing range.

25 (c) A person commits armed violence when he or she
26 personally discharges a firearm that is a Category I or

1 Category II weapon that proximately causes great bodily harm,
2 permanent disability, or permanent disfigurement or death to
3 another person while committing any felony defined by Illinois
4 law, except first degree murder, attempted first degree murder,
5 intentional homicide of an unborn child, second degree murder,
6 involuntary manslaughter, reckless homicide, predatory
7 criminal sexual assault of a child, aggravated battery of a
8 child as described in Section 12-4.3 or subdivision (b) (1) of
9 Section 12-3.05, home invasion, or any offense that makes the
10 possession or use of a dangerous weapon either an element of
11 the base offense, an aggravated or enhanced version of the
12 offense, or a mandatory sentencing factor that increases the
13 sentencing range.

14 (d) This Section does not apply to violations of the Fish
15 and Aquatic Life Code or the Wildlife Code.

16 (Source: P.A. 95-688, eff. 10-23-07.)

17 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

18 Sec. 33A-3. Sentence.

19 (a) Violation of Section 33A-2(a) with a Category I weapon
20 is a Class X felony for which the defendant shall be sentenced
21 to a minimum term of imprisonment of 15 years.

22 (a-5) Violation of Section 33A-2(a) with a Category II
23 weapon is a Class X felony for which the defendant shall be
24 sentenced to a minimum term of imprisonment of 10 years.

25 (b) Violation of Section 33A-2(a) with a Category III

1 weapon is a Class 2 felony or the felony classification
2 provided for the same act while unarmed, whichever permits the
3 greater penalty. A second or subsequent violation of Section
4 33A-2(a) with a Category III weapon is a Class 1 felony or the
5 felony classification provided for the same act while unarmed,
6 whichever permits the greater penalty.

7 (b-5) Violation of Section 33A-2(b) with a firearm that is
8 a Category I or Category II weapon is a Class X felony for
9 which the defendant shall be sentenced to a minimum term of
10 imprisonment of 20 years.

11 (b-10) Violation of Section 33A-2(c) with a firearm that is
12 a Category I or Category II weapon is a Class X felony for
13 which the defendant shall be sentenced to a term of
14 imprisonment of not less than 25 years nor more than 40 years.

15 (c) Unless sentencing under subsection (a) of Section
16 5-4.5-95 of the Unified Code of Corrections (730 ILCS
17 5/5-4.5-95) is applicable, any person who violates subsection
18 (a) or (b) of Section 33A-2 with a firearm, when that person
19 has been convicted in any state or federal court of 3 or more
20 of the following offenses: treason, first degree murder, second
21 degree murder, predatory criminal sexual assault of a child,
22 aggravated criminal sexual assault, criminal sexual assault,
23 robbery, burglary, arson, kidnaping, aggravated battery
24 resulting in great bodily harm or permanent disability or
25 disfigurement, a violation of the Methamphetamine Control and
26 Community Protection Act, or a violation of Section 401(a) of

1 the Illinois Controlled Substances Act, when the third offense
2 was committed after conviction on the second, the second
3 offense was committed after conviction on the first, and the
4 violation of Section 33A-2 was committed after conviction on
5 the third, shall be sentenced to a term of imprisonment of not
6 less than 25 years nor more than 50 years.

7 (c-5) Except as otherwise provided in paragraph (b-10) or
8 (c) of this Section, a person who violates Section 33A-2(a)
9 with a firearm that is a Category I weapon or Section 33A-2(b)
10 in any school, in any conveyance owned, leased, or contracted
11 by a school to transport students to or from school or a school
12 related activity, or on the real property comprising any school
13 or public park, and where the offense was related to the
14 activities of an organized gang, shall be sentenced to a term
15 of imprisonment of not less than the term set forth in
16 subsection (a) or (b-5) of this Section, whichever is
17 applicable, and not more than 30 years. For the purposes of
18 this subsection (c-5), "organized gang" has the meaning
19 ascribed to it in Section 10 of the Illinois Streetgang
20 Terrorism Omnibus Prevention Act.

21 (d) For armed violence based upon a predicate offense
22 listed in this subsection (d) the court shall enter the
23 sentence for armed violence to run consecutively to the
24 sentence imposed for the predicate offense. The offenses
25 covered by this provision are:

26 (i) solicitation of murder,

- 1 (ii) solicitation of murder for hire,
2 (iii) heinous battery as described in Section 12-4.1 or
3 subdivision (a)(2) of Section 12-3.05,
4 (iv) aggravated battery of a senior citizen as
5 described in Section 12-4.6 or subdivision (a)(4) of
6 Section 12-3.05,
7 (v) (blank),
8 (vi) a violation of subsection (g) of Section 5 of the
9 Cannabis Control Act,
10 (vii) cannabis trafficking,
11 (viii) a violation of subsection (a) of Section 401 of
12 the Illinois Controlled Substances Act,
13 (ix) controlled substance trafficking involving a
14 Class X felony amount of controlled substance under Section
15 401 of the Illinois Controlled Substances Act,
16 (x) calculated criminal drug conspiracy,
17 (xi) streetgang criminal drug conspiracy, or
18 (xii) a violation of the Methamphetamine Control and
19 Community Protection Act.

20 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07;
21 95-1052, eff. 7-1-09.)

22 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)
23 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
24 with the knowledge and consent of the owner in the commission
25 of, or in the attempt to commit as defined in Section 8-4 of

1 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
2 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
3 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if
4 the theft is of precious metal or of scrap metal, 18-2, 19-1,
5 19-2, 19-3, 20-1, 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or
6 29D-15.2 of this Code, subdivision (a)(1), (a)(2), (a)(4),
7 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or
8 (e)(7) of Section 12-3.05, paragraph (a) of Section 12-4 of
9 this Code, paragraph (a) of Section 12-15 or paragraphs (a),
10 (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6)
11 or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23,
12 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or
13 aircraft contains more than 10 cartons of such cigarettes; (c)
14 Section 28, 29 or 30 of the Cigarette Use Tax Act if the
15 vessel, vehicle or aircraft contains more than 10 cartons of
16 such cigarettes; (d) Section 44 of the Environmental Protection
17 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving
18 under the influence of alcohol or other drug or drugs,
19 intoxicating compound or compounds or any combination thereof
20 under Section 11-501 of the Illinois Vehicle Code during a
21 period in which his or her driving privileges are revoked or
22 suspended where the revocation or suspension was for driving
23 under the influence of alcohol or other drug or drugs,
24 intoxicating compound or compounds or any combination thereof,
25 Section 11-501.1, paragraph (b) of Section 11-401, or for
26 reckless homicide as defined in Section 9-3 of the Criminal

1 Code of 1961; (2) driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof and has been previously convicted of
4 reckless homicide or a similar provision of a law of another
5 state relating to reckless homicide in which the person was
6 determined to have been under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds as an
8 element of the offense or the person has previously been
9 convicted of committing a violation of driving under the
10 influence of alcohol or other drug or drugs, intoxicating
11 compound or compounds or any combination thereof and was
12 involved in a motor vehicle accident that resulted in death,
13 great bodily harm, or permanent disability or disfigurement to
14 another, when the violation was a proximate cause of the death
15 or injuries; (3) the person committed a violation of driving
16 under the influence of alcohol or other drug or drugs,
17 intoxicating compound or compounds or any combination thereof
18 under Section 11-501 of the Illinois Vehicle Code or a similar
19 provision for the third or subsequent time; (4) the person
20 committed the violation while he or she did not possess a
21 driver's license or permit or a restricted driving permit or a
22 judicial driving permit or a monitoring device driving permit;
23 or (5) the person committed the violation while he or she knew
24 or should have known that the vehicle he or she was driving was
25 not covered by a liability insurance policy, ~~or (d) (1) (I)~~; (g)
26 an offense described in subsection (g) of Section 6-303 of the

1 Illinois Vehicle Code; or (h) an offense described in
2 subsection (e) of Section 6-101 of the Illinois Vehicle Code;
3 may be seized and delivered forthwith to the sheriff of the
4 county of seizure.

5 Within 15 days after such delivery the sheriff shall give
6 notice of seizure to each person according to the following
7 method: Upon each such person whose right, title or interest is
8 of record in the office of the Secretary of State, the
9 Secretary of Transportation, the Administrator of the Federal
10 Aviation Agency, or any other Department of this State, or any
11 other state of the United States if such vessel, vehicle or
12 aircraft is required to be so registered, as the case may be,
13 by mailing a copy of the notice by certified mail to the
14 address as given upon the records of the Secretary of State,
15 the Department of Aeronautics, Department of Public Works and
16 Buildings or any other Department of this State or the United
17 States if such vessel, vehicle or aircraft is required to be so
18 registered. Within that 15 day period the sheriff shall also
19 notify the State's Attorney of the county of seizure about the
20 seizure.

21 In addition, any mobile or portable equipment used in the
22 commission of an act which is in violation of Section 7g of the
23 Metropolitan Water Reclamation District Act shall be subject to
24 seizure and forfeiture under the same procedures provided in
25 this Article for the seizure and forfeiture of vessels,
26 vehicles and aircraft, and any such equipment shall be deemed a

1 vessel, vehicle or aircraft for purposes of this Article.

2 When a person discharges a firearm at another individual
3 from a vehicle with the knowledge and consent of the owner of
4 the vehicle and with the intent to cause death or great bodily
5 harm to that individual and as a result causes death or great
6 bodily harm to that individual, the vehicle shall be subject to
7 seizure and forfeiture under the same procedures provided in
8 this Article for the seizure and forfeiture of vehicles used in
9 violations of clauses (a), (b), (c), or (d) of this Section.

10 If the spouse of the owner of a vehicle seized for an
11 offense described in subsection (g) of Section 6-303 of the
12 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
13 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
14 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
15 Code makes a showing that the seized vehicle is the only source
16 of transportation and it is determined that the financial
17 hardship to the family as a result of the seizure outweighs the
18 benefit to the State from the seizure, the vehicle may be
19 forfeited to the spouse or family member and the title to the
20 vehicle shall be transferred to the spouse or family member who
21 is properly licensed and who requires the use of the vehicle
22 for employment or family transportation purposes. A written
23 declaration of forfeiture of a vehicle under this Section shall
24 be sufficient cause for the title to be transferred to the
25 spouse or family member. The provisions of this paragraph shall
26 apply only to one forfeiture per vehicle. If the vehicle is the

1 subject of a subsequent forfeiture proceeding by virtue of a
2 subsequent conviction of either spouse or the family member,
3 the spouse or family member to whom the vehicle was forfeited
4 under the first forfeiture proceeding may not utilize the
5 provisions of this paragraph in another forfeiture proceeding.
6 If the owner of the vehicle seized owns more than one vehicle,
7 the procedure set out in this paragraph may be used for only
8 one vehicle.

9 Property declared contraband under Section 40 of the
10 Illinois Streetgang Terrorism Omnibus Prevention Act may be
11 seized and forfeited under this Article.

12 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
13 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
14 1-1-11; revised 9-16-10.)

15 Section 965. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 110-5, 110-5.1, 110-6.3, 111-8,
17 112A-3, 112A-23, 112A-26, 115-7.3, 115-10, and 115-10.3 as
18 follows:

19 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

20 Sec. 110-5. Determining the amount of bail and conditions
21 of release.

22 (a) In determining the amount of monetary bail or
23 conditions of release, if any, which will reasonably assure the
24 appearance of a defendant as required or the safety of any

1 other person or the community and the likelihood of compliance
2 by the defendant with all the conditions of bail, the court
3 shall, on the basis of available information, take into account
4 such matters as the nature and circumstances of the offense
5 charged, whether the evidence shows that as part of the offense
6 there was a use of violence or threatened use of violence,
7 whether the offense involved corruption of public officials or
8 employees, whether there was physical harm or threats of
9 physical harm to any public official, public employee, judge,
10 prosecutor, juror or witness, senior citizen, child or
11 handicapped person, whether evidence shows that during the
12 offense or during the arrest the defendant possessed or used a
13 firearm, machine gun, explosive or metal piercing ammunition or
14 explosive bomb device or any military or paramilitary armament,
15 whether the evidence shows that the offense committed was
16 related to or in furtherance of the criminal activities of an
17 organized gang or was motivated by the defendant's membership
18 in or allegiance to an organized gang, the condition of the
19 victim, any written statement submitted by the victim or
20 proffer or representation by the State regarding the impact
21 which the alleged criminal conduct has had on the victim and
22 the victim's concern, if any, with further contact with the
23 defendant if released on bail, whether the offense was based on
24 racial, religious, sexual orientation or ethnic hatred, the
25 likelihood of the filing of a greater charge, the likelihood of
26 conviction, the sentence applicable upon conviction, the

1 weight of the evidence against such defendant, whether there
2 exists motivation or ability to flee, whether there is any
3 verification as to prior residence, education, or family ties
4 in the local jurisdiction, in another county, state or foreign
5 country, the defendant's employment, financial resources,
6 character and mental condition, past conduct, prior use of
7 alias names or dates of birth, and length of residence in the
8 community, the consent of the defendant to periodic drug
9 testing in accordance with Section 110-6.5, whether a foreign
10 national defendant is lawfully admitted in the United States of
11 America, whether the government of the foreign national
12 maintains an extradition treaty with the United States by which
13 the foreign government will extradite to the United States its
14 national for a trial for a crime allegedly committed in the
15 United States, whether the defendant is currently subject to
16 deportation or exclusion under the immigration laws of the
17 United States, whether the defendant, although a United States
18 citizen, is considered under the law of any foreign state a
19 national of that state for the purposes of extradition or
20 non-extradition to the United States, the amount of unrecovered
21 proceeds lost as a result of the alleged offense, the source of
22 bail funds tendered or sought to be tendered for bail, whether
23 from the totality of the court's consideration, the loss of
24 funds posted or sought to be posted for bail will not deter the
25 defendant from flight, whether the evidence shows that the
26 defendant is engaged in significant possession, manufacture,

1 or delivery of a controlled substance or cannabis, either
2 individually or in consort with others, whether at the time of
3 the offense charged he was on bond or pre-trial release pending
4 trial, probation, periodic imprisonment or conditional
5 discharge pursuant to this Code or the comparable Code of any
6 other state or federal jurisdiction, whether the defendant is
7 on bond or pre-trial release pending the imposition or
8 execution of sentence or appeal of sentence for any offense
9 under the laws of Illinois or any other state or federal
10 jurisdiction, whether the defendant is under parole or
11 mandatory supervised release or work release from the Illinois
12 Department of Corrections or any penal institution or
13 corrections department of any state or federal jurisdiction,
14 the defendant's record of convictions, whether the defendant
15 has been convicted of a misdemeanor or ordinance offense in
16 Illinois or similar offense in other state or federal
17 jurisdiction within the 10 years preceding the current charge
18 or convicted of a felony in Illinois, whether the defendant was
19 convicted of an offense in another state or federal
20 jurisdiction that would be a felony if committed in Illinois
21 within the 20 years preceding the current charge or has been
22 convicted of such felony and released from the penitentiary
23 within 20 years preceding the current charge if a penitentiary
24 sentence was imposed in Illinois or other state or federal
25 jurisdiction, the defendant's records of juvenile adjudication
26 of delinquency in any jurisdiction, any record of appearance or

1 failure to appear by the defendant at court proceedings,
2 whether there was flight to avoid arrest or prosecution,
3 whether the defendant escaped or attempted to escape to avoid
4 arrest, whether the defendant refused to identify himself, or
5 whether there was a refusal by the defendant to be
6 fingerprinted as required by law. Information used by the court
7 in its findings or stated in or offered in connection with this
8 Section may be by way of proffer based upon reliable
9 information offered by the State or defendant. All evidence
10 shall be admissible if it is relevant and reliable regardless
11 of whether it would be admissible under the rules of evidence
12 applicable at criminal trials. If the State presents evidence
13 that the offense committed by the defendant was related to or
14 in furtherance of the criminal activities of an organized gang
15 or was motivated by the defendant's membership in or allegiance
16 to an organized gang, and if the court determines that the
17 evidence may be substantiated, the court shall prohibit the
18 defendant from associating with other members of the organized
19 gang as a condition of bail or release. For the purposes of
20 this Section, "organized gang" has the meaning ascribed to it
21 in Section 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 (b) The amount of bail shall be:

24 (1) Sufficient to assure compliance with the
25 conditions set forth in the bail bond, which shall include
26 the defendant's current address with a written

1 admonishment to the defendant that he or she must comply
2 with the provisions of Section 110-12 regarding any change
3 in his or her address. The defendant's address shall at all
4 times remain a matter of public record with the clerk of
5 the court.

6 (2) Not oppressive.

7 (3) Considerate of the financial ability of the
8 accused.

9 (4) When a person is charged with a drug related
10 offense involving possession or delivery of cannabis or
11 possession or delivery of a controlled substance as defined
12 in the Cannabis Control Act, the Illinois Controlled
13 Substances Act, or the Methamphetamine Control and
14 Community Protection Act, the full street value of the
15 drugs seized shall be considered. "Street value" shall be
16 determined by the court on the basis of a proffer by the
17 State based upon reliable information of a law enforcement
18 official contained in a written report as to the amount
19 seized and such proffer may be used by the court as to the
20 current street value of the smallest unit of the drug
21 seized.

22 (b-5) Upon the filing of a written request demonstrating
23 reasonable cause, the State's Attorney may request a source of
24 bail hearing either before or after the posting of any funds.
25 If the hearing is granted, before the posting of any bail, the
26 accused must file a written notice requesting that the court

1 conduct a source of bail hearing. The notice must be
2 accompanied by justifying affidavits stating the legitimate
3 and lawful source of funds for bail. At the hearing, the court
4 shall inquire into any matters stated in any justifying
5 affidavits, and may also inquire into matters appropriate to
6 the determination which shall include, but are not limited to,
7 the following:

8 (1) the background, character, reputation, and
9 relationship to the accused of any surety; and

10 (2) the source of any money or property deposited by
11 any surety, and whether any such money or property
12 constitutes the fruits of criminal or unlawful conduct; and

13 (3) the source of any money posted as cash bail, and
14 whether any such money constitutes the fruits of criminal
15 or unlawful conduct; and

16 (4) the background, character, reputation, and
17 relationship to the accused of the person posting cash
18 bail.

19 Upon setting the hearing, the court shall examine, under
20 oath, any persons who may possess material information.

21 The State's Attorney has a right to attend the hearing, to
22 call witnesses and to examine any witness in the proceeding.
23 The court shall, upon request of the State's Attorney, continue
24 the proceedings for a reasonable period to allow the State's
25 Attorney to investigate the matter raised in any testimony or
26 affidavit. If the hearing is granted after the accused has

1 posted bail, the court shall conduct a hearing consistent with
2 this subsection (b-5). At the conclusion of the hearing, the
3 court must issue an order either approving of disapproving the
4 bail.

5 (c) When a person is charged with an offense punishable by
6 fine only the amount of the bail shall not exceed double the
7 amount of the maximum penalty.

8 (d) When a person has been convicted of an offense and only
9 a fine has been imposed the amount of the bail shall not exceed
10 double the amount of the fine.

11 (e) The State may appeal any order granting bail or setting
12 a given amount for bail.

13 (f) When a person is charged with a violation of an order
14 of protection under Section 12-3.4 or 12-30 of the Criminal
15 Code of 1961,

16 (1) whether the alleged incident involved harassment
17 or abuse, as defined in the Illinois Domestic Violence Act
18 of 1986;

19 (2) whether the person has a history of domestic
20 violence, as defined in the Illinois Domestic Violence Act,
21 or a history of other criminal acts;

22 (3) based on the mental health of the person;

23 (4) whether the person has a history of violating the
24 orders of any court or governmental entity;

25 (5) whether the person has been, or is, potentially a
26 threat to any other person;

1 (6) whether the person has access to deadly weapons or
2 a history of using deadly weapons;

3 (7) whether the person has a history of abusing alcohol
4 or any controlled substance;

5 (8) based on the severity of the alleged incident that
6 is the basis of the alleged offense, including, but not
7 limited to, the duration of the current incident, and
8 whether the alleged incident involved physical injury,
9 sexual assault, strangulation, abuse during the alleged
10 victim's pregnancy, abuse of pets, or forcible entry to
11 gain access to the alleged victim;

12 (9) whether a separation of the person from the alleged
13 victim or a termination of the relationship between the
14 person and the alleged victim has recently occurred or is
15 pending;

16 (10) whether the person has exhibited obsessive or
17 controlling behaviors toward the alleged victim,
18 including, but not limited to, stalking, surveillance, or
19 isolation of the alleged victim or victim's family member
20 or members;

21 (11) whether the person has expressed suicidal or
22 homicidal ideations;

23 (12) based on any information contained in the
24 complaint and any police reports, affidavits, or other
25 documents accompanying the complaint,

26 the court may, in its discretion, order the respondent to

1 undergo a risk assessment evaluation conducted by an Illinois
2 Department of Human Services approved partner abuse
3 intervention program provider, pretrial service, probation, or
4 parole agency. These agencies shall have access to summaries of
5 the defendant's criminal history, which shall not include
6 victim interviews or information, for the risk evaluation.
7 Based on the information collected from the 12 points to be
8 considered at a bail hearing for a violation of an order of
9 protection, the results of any risk evaluation conducted and
10 the other circumstances of the violation, the court may order
11 that the person, as a condition of bail, be placed under
12 electronic surveillance as provided in Section 5-8A-7 of the
13 Unified Code of Corrections.

14 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

15 (725 ILCS 5/110-5.1)

16 Sec. 110-5.1. Bail; certain persons charged with violent
17 crimes against family or household members.

18 (a) Subject to subsection (c), a person who is charged with
19 a violent crime shall appear before the court for the setting
20 of bail if the alleged victim was a family or household member
21 at the time of the alleged offense, and if any of the following
22 applies:

23 (1) the person charged, at the time of the alleged
24 offense, was subject to the terms of an order of protection
25 issued under Section 112A-14 of this Code or Section 214 of

1 the Illinois Domestic Violence Act of 1986 or previously
2 was convicted of a violation of an order of protection
3 under Section 12-3.4 or 12-30 of the Criminal Code of 1961
4 or a violent crime if the victim was a family or household
5 member at the time of the offense or a violation of a
6 substantially similar municipal ordinance or law of this or
7 any other state or the United States if the victim was a
8 family or household member at the time of the offense;

9 (2) the arresting officer indicates in a police report
10 or other document accompanying the complaint any of the
11 following:

12 (A) that the arresting officer observed on the
13 alleged victim objective manifestations of physical
14 harm that the arresting officer reasonably believes
15 are a result of the alleged offense;

16 (B) that the arresting officer reasonably believes
17 that the person had on the person's person at the time
18 of the alleged offense a deadly weapon;

19 (C) that the arresting officer reasonably believes
20 that the person presents a credible threat of serious
21 physical harm to the alleged victim or to any other
22 person if released on bail before trial.

23 (b) To the extent that information about any of the
24 following is available to the court, the court shall consider
25 all of the following, in addition to any other circumstances
26 considered by the court, before setting bail for a person who

1 appears before the court pursuant to subsection (a):

2 (1) whether the person has a history of domestic
3 violence or a history of other violent acts;

4 (2) the mental health of the person;

5 (3) whether the person has a history of violating the
6 orders of any court or governmental entity;

7 (4) whether the person is potentially a threat to any
8 other person;

9 (5) whether the person has access to deadly weapons or
10 a history of using deadly weapons;

11 (6) whether the person has a history of abusing alcohol
12 or any controlled substance;

13 (7) the severity of the alleged violence that is the
14 basis of the alleged offense, including, but not limited
15 to, the duration of the alleged violent incident, and
16 whether the alleged violent incident involved serious
17 physical injury, sexual assault, strangulation, abuse
18 during the alleged victim's pregnancy, abuse of pets, or
19 forcible entry to gain access to the alleged victim;

20 (8) whether a separation of the person from the alleged
21 victim or a termination of the relationship between the
22 person and the alleged victim has recently occurred or is
23 pending;

24 (9) whether the person has exhibited obsessive or
25 controlling behaviors toward the alleged victim,
26 including, but not limited to, stalking, surveillance, or

1 isolation of the alleged victim;

2 (10) whether the person has expressed suicidal or
3 homicidal ideations;

4 (11) any information contained in the complaint and any
5 police reports, affidavits, or other documents
6 accompanying the complaint.

7 (c) Upon the court's own motion or the motion of a party
8 and upon any terms that the court may direct, a court may
9 permit a person who is required to appear before it by
10 subsection (a) to appear by video conferencing equipment. If,
11 in the opinion of the court, the appearance in person or by
12 video conferencing equipment of a person who is charged with a
13 misdemeanor and who is required to appear before the court by
14 subsection (a) is not practicable, the court may waive the
15 appearance and release the person on bail on one or both of the
16 following types of bail in an amount set by the court:

17 (1) a bail bond secured by a deposit of 10% of the
18 amount of the bond in cash;

19 (2) a surety bond, a bond secured by real estate or
20 securities as allowed by law, or the deposit of cash, at
21 the option of the person.

22 Subsection (a) does not create a right in a person to
23 appear before the court for the setting of bail or prohibit a
24 court from requiring any person charged with a violent crime
25 who is not described in subsection (a) from appearing before
26 the court for the setting of bail.

1 (d) As used in this Section:

2 (1) "Violent crime" has the meaning ascribed to it in
3 Section 3 of the Rights of Crime Victims and Witnesses Act.

4 (2) "Family or household member" has the meaning
5 ascribed to it in Section 112A-3 of this Code.

6 (Source: P.A. 94-878, eff. 1-1-07.)

7 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

8 Sec. 110-6.3. Denial of bail in stalking and aggravated
9 stalking offenses.

10 (a) Upon verified petition by the State, the court shall
11 hold a hearing to determine whether bail should be denied to a
12 defendant who is charged with stalking or aggravated stalking,
13 when it is alleged that the defendant's admission to bail poses
14 a real and present threat to the physical safety of the alleged
15 victim of the offense, and denial of release on bail or
16 personal recognizance is necessary to prevent fulfillment of
17 the threat upon which the charge is based.

18 (1) A petition may be filed without prior notice to the
19 defendant at the first appearance before a judge, or within
20 21 calendar days, except as provided in Section 110-6,
21 after arrest and release of the defendant upon reasonable
22 notice to defendant; provided that while the petition is
23 pending before the court, the defendant if previously
24 released shall not be detained.

25 (2) The hearing shall be held immediately upon the

1 defendant's appearance before the court, unless for good
2 cause shown the defendant or the State seeks a continuance.
3 A continuance on motion of the defendant may not exceed 5
4 calendar days, and the defendant may be held in custody
5 during the continuance. A continuance on the motion of the
6 State may not exceed 3 calendar days; however, the
7 defendant may be held in custody during the continuance
8 under this provision if the defendant has been previously
9 found to have violated an order of protection or has been
10 previously convicted of, or granted court supervision for,
11 any of the offenses set forth in Sections 12-2, 12-3.05,
12 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13,
13 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of
14 1961, against the same person as the alleged victim of the
15 stalking or aggravated stalking offense.

16 (b) The court may deny bail to the defendant when, after
17 the hearing, it is determined that:

18 (1) the proof is evident or the presumption great that
19 the defendant has committed the offense of stalking or
20 aggravated stalking; and

21 (2) the defendant poses a real and present threat to
22 the physical safety of the alleged victim of the offense;
23 and

24 (3) the denial of release on bail or personal
25 recognizance is necessary to prevent fulfillment of the
26 threat upon which the charge is based; and

1 (4) the court finds that no condition or combination of
2 conditions set forth in subsection (b) of Section 110-10 of
3 this Code, including mental health treatment at a community
4 mental health center, hospital, or facility of the
5 Department of Human Services, can reasonably assure the
6 physical safety of the alleged victim of the offense.

7 (c) Conduct of the hearings.

8 (1) The hearing on the defendant's culpability and
9 threat to the alleged victim of the offense shall be
10 conducted in accordance with the following provisions:

11 (A) Information used by the court in its findings
12 or stated in or offered at the hearing may be by way of
13 proffer based upon reliable information offered by the
14 State or by defendant. Defendant has the right to be
15 represented by counsel, and if he is indigent, to have
16 counsel appointed for him. Defendant shall have the
17 opportunity to testify, to present witnesses in his own
18 behalf, and to cross-examine witnesses if any are
19 called by the State. The defendant has the right to
20 present witnesses in his favor. When the ends of
21 justice so require, the court may exercise its
22 discretion and compel the appearance of a complaining
23 witness. The court shall state on the record reasons
24 for granting a defense request to compel the presence
25 of a complaining witness. Cross-examination of a
26 complaining witness at the pretrial detention hearing

1 for the purpose of impeaching the witness' credibility
2 is insufficient reason to compel the presence of the
3 witness. In deciding whether to compel the appearance
4 of a complaining witness, the court shall be
5 considerate of the emotional and physical well-being
6 of the witness. The pretrial detention hearing is not
7 to be used for the purposes of discovery, and the post
8 arraignment rules of discovery do not apply. The State
9 shall tender to the defendant, prior to the hearing,
10 copies of defendant's criminal history, if any, if
11 available, and any written or recorded statements and
12 the substance of any oral statements made by any
13 person, if relied upon by the State. The rules
14 concerning the admissibility of evidence in criminal
15 trials do not apply to the presentation and
16 consideration of information at the hearing. At the
17 trial concerning the offense for which the hearing was
18 conducted neither the finding of the court nor any
19 transcript or other record of the hearing shall be
20 admissible in the State's case in chief, but shall be
21 admissible for impeachment, or as provided in Section
22 115-10.1 of this Code, or in a perjury proceeding.

23 (B) A motion by the defendant to suppress evidence
24 or to suppress a confession shall not be entertained.
25 Evidence that proof may have been obtained as the
26 result of an unlawful search and seizure or through

1 improper interrogation is not relevant to this state of
2 the prosecution.

3 (2) The facts relied upon by the court to support a
4 finding that:

5 (A) the defendant poses a real and present threat
6 to the physical safety of the alleged victim of the
7 offense; and

8 (B) the denial of release on bail or personal
9 recognizance is necessary to prevent fulfillment of
10 the threat upon which the charge is based;
11 shall be supported by clear and convincing evidence
12 presented by the State.

13 (d) Factors to be considered in making a determination of
14 the threat to the alleged victim of the offense. The court may,
15 in determining whether the defendant poses, at the time of the
16 hearing, a real and present threat to the physical safety of
17 the alleged victim of the offense, consider but shall not be
18 limited to evidence or testimony concerning:

19 (1) The nature and circumstances of the offense
20 charged;

21 (2) The history and characteristics of the defendant
22 including:

23 (A) Any evidence of the defendant's prior criminal
24 history indicative of violent, abusive or assaultive
25 behavior, or lack of that behavior. The evidence may
26 include testimony or documents received in juvenile

1 proceedings, criminal, quasi-criminal, civil
2 commitment, domestic relations or other proceedings;

3 (B) Any evidence of the defendant's psychological,
4 psychiatric or other similar social history that tends
5 to indicate a violent, abusive, or assaultive nature,
6 or lack of any such history.

7 (3) The nature of the threat which is the basis of the
8 charge against the defendant;

9 (4) Any statements made by, or attributed to the
10 defendant, together with the circumstances surrounding
11 them;

12 (5) The age and physical condition of any person
13 assaulted by the defendant;

14 (6) Whether the defendant is known to possess or have
15 access to any weapon or weapons;

16 (7) Whether, at the time of the current offense or any
17 other offense or arrest, the defendant was on probation,
18 parole, mandatory supervised release or other release from
19 custody pending trial, sentencing, appeal or completion of
20 sentence for an offense under federal or state law;

21 (8) Any other factors, including those listed in
22 Section 110-5 of this Code, deemed by the court to have a
23 reasonable bearing upon the defendant's propensity or
24 reputation for violent, abusive or assaultive behavior, or
25 lack of that behavior.

26 (e) The court shall, in any order denying bail to a person

1 charged with stalking or aggravated stalking:

2 (1) briefly summarize the evidence of the defendant's
3 culpability and its reasons for concluding that the
4 defendant should be held without bail;

5 (2) direct that the defendant be committed to the
6 custody of the sheriff for confinement in the county jail
7 pending trial;

8 (3) direct that the defendant be given a reasonable
9 opportunity for private consultation with counsel, and for
10 communication with others of his choice by visitation, mail
11 and telephone; and

12 (4) direct that the sheriff deliver the defendant as
13 required for appearances in connection with court
14 proceedings.

15 (f) If the court enters an order for the detention of the
16 defendant under subsection (e) of this Section, the defendant
17 shall be brought to trial on the offense for which he is
18 detained within 90 days after the date on which the order for
19 detention was entered. If the defendant is not brought to trial
20 within the 90 day period required by this subsection (f), he
21 shall not be held longer without bail. In computing the 90 day
22 period, the court shall omit any period of delay resulting from
23 a continuance granted at the request of the defendant. The
24 court shall immediately notify the alleged victim of the
25 offense that the defendant has been admitted to bail under this
26 subsection.

1 (g) Any person shall be entitled to appeal any order
2 entered under this Section denying bail to the defendant.

3 (h) The State may appeal any order entered under this
4 Section denying any motion for denial of bail.

5 (i) Nothing in this Section shall be construed as modifying
6 or limiting in any way the defendant's presumption of innocence
7 in further criminal proceedings.

8 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

9 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

10 Sec. 111-8. Orders of protection to prohibit domestic
11 violence.

12 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
13 10-3.1, 10-4, 10-5, 11-15, 11-15.1, 11-20.1, 11-20a, 12-1,
14 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
15 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
16 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,
17 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the
18 Harassing and Obscene Communications Act is alleged in an
19 information, complaint or indictment on file, and the alleged
20 offender and victim are family or household members, as defined
21 in the Illinois Domestic Violence Act, as now or hereafter
22 amended, the People through the respective State's Attorneys
23 may by separate petition and upon notice to the defendant,
24 except as provided in subsection (c) herein, request the court
25 to issue an order of protection.

1 (b) In addition to any other remedies specified in Section
2 208 of the Illinois Domestic Violence Act, as now or hereafter
3 amended, the order may direct the defendant to initiate no
4 contact with the alleged victim or victims who are family or
5 household members and to refrain from entering the residence,
6 school or place of business of the alleged victim or victims.

7 (c) The court may grant emergency relief without notice
8 upon a showing of immediate and present danger of abuse to the
9 victim or minor children of the victim and may enter a
10 temporary order pending notice and full hearing on the matter.

11 (Source: P.A. 94-325, eff. 1-1-06.)

12 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

13 Sec. 112A-3. Definitions. For the purposes of this Article,
14 the following terms shall have the following meanings:

15 (1) "Abuse" means physical abuse, harassment, intimidation
16 of a dependent, interference with personal liberty or willful
17 deprivation but does not include reasonable direction of a
18 minor child by a parent or person in loco parentis.

19 (2) "Domestic violence" means abuse as described in
20 paragraph (1).

21 (3) "Family or household members" include spouses, former
22 spouses, parents, children, stepchildren and other persons
23 related by blood or by present or prior marriage, persons who
24 share or formerly shared a common dwelling, persons who have or
25 allegedly have a child in common, persons who share or

1 allegedly share a blood relationship through a child, persons
2 who have or have had a dating or engagement relationship,
3 persons with disabilities and their personal assistants, and
4 caregivers as defined in paragraph (3) of subsection (b) of
5 Section 12-21 or in subsection (e) of Section 12-4.4a of the
6 Criminal Code of 1961. For purposes of this paragraph, neither
7 a casual acquaintanceship nor ordinary fraternization between
8 2 individuals in business or social contexts shall be deemed to
9 constitute a dating relationship.

10 (4) "Harassment" means knowing conduct which is not
11 necessary to accomplish a purpose which is reasonable under the
12 circumstances; would cause a reasonable person emotional
13 distress; and does cause emotional distress to the petitioner.
14 Unless the presumption is rebutted by a preponderance of the
15 evidence, the following types of conduct shall be presumed to
16 cause emotional distress:

17 (i) creating a disturbance at petitioner's place of
18 employment or school;

19 (ii) repeatedly telephoning petitioner's place of
20 employment, home or residence;

21 (iii) repeatedly following petitioner about in a
22 public place or places;

23 (iv) repeatedly keeping petitioner under surveillance
24 by remaining present outside his or her home, school, place
25 of employment, vehicle or other place occupied by
26 petitioner or by peering in petitioner's windows;

1 (v) improperly concealing a minor child from
2 petitioner, repeatedly threatening to improperly remove a
3 minor child of petitioner's from the jurisdiction or from
4 the physical care of petitioner, repeatedly threatening to
5 conceal a minor child from petitioner, or making a single
6 such threat following an actual or attempted improper
7 removal or concealment, unless respondent was fleeing from
8 an incident or pattern of domestic violence; or

9 (vi) threatening physical force, confinement or
10 restraint on one or more occasions.

11 (5) "Interference with personal liberty" means committing
12 or threatening physical abuse, harassment, intimidation or
13 willful deprivation so as to compel another to engage in
14 conduct from which she or he has a right to abstain or to
15 refrain from conduct in which she or he has a right to engage.

16 (6) "Intimidation of a dependent" means subjecting a person
17 who is dependent because of age, health or disability to
18 participation in or the witnessing of: physical force against
19 another or physical confinement or restraint of another which
20 constitutes physical abuse as defined in this Article,
21 regardless of whether the abused person is a family or
22 household member.

23 (7) "Order of protection" means an emergency order, interim
24 order or plenary order, granted pursuant to this Article, which
25 includes any or all of the remedies authorized by Section
26 112A-14 of this Code.

1 (8) "Petitioner" may mean not only any named petitioner for
2 the order of protection and any named victim of abuse on whose
3 behalf the petition is brought, but also any other person
4 protected by this Article.

5 (9) "Physical abuse" includes sexual abuse and means any of
6 the following:

7 (i) knowing or reckless use of physical force,
8 confinement or restraint;

9 (ii) knowing, repeated and unnecessary sleep
10 deprivation; or

11 (iii) knowing or reckless conduct which creates an
12 immediate risk of physical harm.

13 (9.5) "Stay away" means for the respondent to refrain from
14 both physical presence and nonphysical contact with the
15 petitioner whether direct, indirect (including, but not
16 limited to, telephone calls, mail, email, faxes, and written
17 notes), or through third parties who may or may not know about
18 the order of protection.

19 (10) "Willful deprivation" means wilfully denying a person
20 who because of age, health or disability requires medication,
21 medical care, shelter, accessible shelter or services, food,
22 therapeutic device, or other physical assistance, and thereby
23 exposing that person to the risk of physical, mental or
24 emotional harm, except with regard to medical care and
25 treatment when such dependent person has expressed the intent
26 to forgo such medical care or treatment. This paragraph does

1 not create any new affirmative duty to provide support to
2 dependent persons.

3 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

4 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

5 Sec. 112A-23. Enforcement of orders of protection.

6 (a) When violation is crime. A violation of any order of
7 protection, whether issued in a civil, quasi-criminal
8 proceeding, shall be enforced by a criminal court when:

9 (1) The respondent commits the crime of violation of an
10 order of protection pursuant to Section 12-3.4 or 12-30 of
11 the Criminal Code of 1961, by having knowingly violated:

12 (i) remedies described in paragraphs (1), (2),
13 (3), (14), or (14.5) of subsection (b) of Section
14 112A-14,

15 (ii) a remedy, which is substantially similar to
16 the remedies authorized under paragraphs (1), (2),
17 (3), (14) or (14.5) of subsection (b) of Section 214 of
18 the Illinois Domestic Violence Act of 1986, in a valid
19 order of protection, which is authorized under the laws
20 of another state, tribe or United States territory,

21 (iii) or any other remedy when the act constitutes
22 a crime against the protected parties as defined by the
23 Criminal Code of 1961.

24 Prosecution for a violation of an order of protection shall
25 not bar concurrent prosecution for any other crime, including

1 any crime that may have been committed at the time of the
2 violation of the order of protection; or

3 (2) The respondent commits the crime of child abduction
4 pursuant to Section 10-5 of the Criminal Code of 1961, by
5 having knowingly violated:

6 (i) remedies described in paragraphs (5), (6) or
7 (8) of subsection (b) of Section 112A-14, or

8 (ii) a remedy, which is substantially similar to
9 the remedies authorized under paragraphs (1), (5),
10 (6), or (8) of subsection (b) of Section 214 of the
11 Illinois Domestic Violence Act of 1986, in a valid
12 order of protection, which is authorized under the laws
13 of another state, tribe or United States territory.

14 (b) When violation is contempt of court. A violation of any
15 valid order of protection, whether issued in a civil or
16 criminal proceeding, may be enforced through civil or criminal
17 contempt procedures, as appropriate, by any court with
18 jurisdiction, regardless where the act or acts which violated
19 the order of protection were committed, to the extent
20 consistent with the venue provisions of this Article. Nothing
21 in this Article shall preclude any Illinois court from
22 enforcing any valid order of protection issued in another
23 state. Illinois courts may enforce orders of protection through
24 both criminal prosecution and contempt proceedings, unless the
25 action which is second in time is barred by collateral estoppel
26 or the constitutional prohibition against double jeopardy.

1 (1) In a contempt proceeding where the petition for a
2 rule to show cause sets forth facts evidencing an immediate
3 danger that the respondent will flee the jurisdiction,
4 conceal a child, or inflict physical abuse on the
5 petitioner or minor children or on dependent adults in
6 petitioner's care, the court may order the attachment of
7 the respondent without prior service of the rule to show
8 cause or the petition for a rule to show cause. Bond shall
9 be set unless specifically denied in writing.

10 (2) A petition for a rule to show cause for violation
11 of an order of protection shall be treated as an expedited
12 proceeding.

13 (c) Violation of custody or support orders. A violation of
14 remedies described in paragraphs (5), (6), (8), or (9) of
15 subsection (b) of Section 112A-14 may be enforced by any remedy
16 provided by Section 611 of the Illinois Marriage and
17 Dissolution of Marriage Act. The court may enforce any order
18 for support issued under paragraph (12) of subsection (b) of
19 Section 112A-14 in the manner provided for under Parts V and
20 VII of the Illinois Marriage and Dissolution of Marriage Act.

21 (d) Actual knowledge. An order of protection may be
22 enforced pursuant to this Section if the respondent violates
23 the order after respondent has actual knowledge of its contents
24 as shown through one of the following means:

25 (1) By service, delivery, or notice under Section
26 112A-10.

1 (2) By notice under Section 112A-11.

2 (3) By service of an order of protection under Section
3 112A-22.

4 (4) By other means demonstrating actual knowledge of
5 the contents of the order.

6 (e) The enforcement of an order of protection in civil or
7 criminal court shall not be affected by either of the
8 following:

9 (1) The existence of a separate, correlative order
10 entered under Section 112A-15.

11 (2) Any finding or order entered in a conjoined
12 criminal proceeding.

13 (f) Circumstances. The court, when determining whether or
14 not a violation of an order of protection has occurred, shall
15 not require physical manifestations of abuse on the person of
16 the victim.

17 (g) Penalties.

18 (1) Except as provided in paragraph (3) of this
19 subsection, where the court finds the commission of a crime
20 or contempt of court under subsections (a) or (b) of this
21 Section, the penalty shall be the penalty that generally
22 applies in such criminal or contempt proceedings, and may
23 include one or more of the following: incarceration,
24 payment of restitution, a fine, payment of attorneys' fees
25 and costs, or community service.

26 (2) The court shall hear and take into account evidence

1 of any factors in aggravation or mitigation before deciding
2 an appropriate penalty under paragraph (1) of this
3 subsection.

4 (3) To the extent permitted by law, the court is
5 encouraged to:

6 (i) increase the penalty for the knowing violation
7 of any order of protection over any penalty previously
8 imposed by any court for respondent's violation of any
9 order of protection or penal statute involving
10 petitioner as victim and respondent as defendant;

11 (ii) impose a minimum penalty of 24 hours
12 imprisonment for respondent's first violation of any
13 order of protection; and

14 (iii) impose a minimum penalty of 48 hours
15 imprisonment for respondent's second or subsequent
16 violation of an order of protection

17 unless the court explicitly finds that an increased penalty
18 or that period of imprisonment would be manifestly unjust.

19 (4) In addition to any other penalties imposed for a
20 violation of an order of protection, a criminal court may
21 consider evidence of any violations of an order of
22 protection:

23 (i) to increase, revoke or modify the bail bond on
24 an underlying criminal charge pursuant to Section
25 110-6;

26 (ii) to revoke or modify an order of probation,

1 conditional discharge or supervision, pursuant to
2 Section 5-6-4 of the Unified Code of Corrections;

3 (iii) to revoke or modify a sentence of periodic
4 imprisonment, pursuant to Section 5-7-2 of the Unified
5 Code of Corrections.

6 (Source: P.A. 95-331, eff. 8-21-07.)

7 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

8 Sec. 112A-26. Arrest without warrant.

9 (a) Any law enforcement officer may make an arrest without
10 warrant if the officer has probable cause to believe that the
11 person has committed or is committing any crime, including but
12 not limited to violation of an order of protection, under
13 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
14 the crime was not committed in the presence of the officer.

15 (b) The law enforcement officer may verify the existence of
16 an order of protection by telephone or radio communication with
17 his or her law enforcement agency or by referring to the copy
18 of the order provided by petitioner or respondent.

19 (Source: P.A. 87-1186.)

20 (725 ILCS 5/115-7.3)

21 Sec. 115-7.3. Evidence in certain cases.

22 (a) This Section applies to criminal cases in which:

23 (1) the defendant is accused of predatory criminal
24 sexual assault of a child, aggravated criminal sexual

1 assault, criminal sexual assault, aggravated criminal
2 sexual abuse, criminal sexual abuse, child pornography,
3 aggravated child pornography, or criminal transmission of
4 HIV;

5 (2) the defendant is accused of battery, aggravated
6 battery, first degree murder, or second degree murder when
7 the commission of the offense involves sexual penetration
8 or sexual conduct as defined in Section 12-12 of the
9 Criminal Code of 1961; or

10 (3) the defendant is tried or retried for any of the
11 offenses formerly known as rape, deviate sexual assault,
12 indecent liberties with a child, or aggravated indecent
13 liberties with a child.

14 (b) If the defendant is accused of an offense set forth in
15 paragraph (1) or (2) of subsection (a) or the defendant is
16 tried or retried for any of the offenses set forth in paragraph
17 (3) of subsection (a), evidence of the defendant's commission
18 of another offense or offenses set forth in paragraph (1), (2),
19 or (3) of subsection (a), or evidence to rebut that proof or an
20 inference from that proof, may be admissible (if that evidence
21 is otherwise admissible under the rules of evidence) and may be
22 considered for its bearing on any matter to which it is
23 relevant.

24 (c) In weighing the probative value of the evidence against
25 undue prejudice to the defendant, the court may consider:

26 (1) the proximity in time to the charged or predicate

1 offense;

2 (2) the degree of factual similarity to the charged or
3 predicate offense; or

4 (3) other relevant facts and circumstances.

5 (d) In a criminal case in which the prosecution intends to
6 offer evidence under this Section, it must disclose the
7 evidence, including statements of witnesses or a summary of the
8 substance of any testimony, at a reasonable time in advance of
9 trial, or during trial if the court excuses pretrial notice on
10 good cause shown.

11 (e) In a criminal case in which evidence is offered under
12 this Section, proof may be made by specific instances of
13 conduct, testimony as to reputation, or testimony in the form
14 of an expert opinion, except that the prosecution may offer
15 reputation testimony only after the opposing party has offered
16 that testimony.

17 (f) In prosecutions for a violation of Section 10-2,
18 12-3.05, 12-4, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of
19 the Criminal Code of 1961, involving the involuntary delivery
20 of a controlled substance to a victim, no inference may be made
21 about the fact that a victim did not consent to a test for the
22 presence of controlled substances.

23 (Source: P.A. 95-892, eff. 1-1-09.)

24 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

25 Sec. 115-10. Certain hearsay exceptions.

1 (a) In a prosecution for a physical or sexual act
2 perpetrated upon or against a child under the age of 13, or a
3 person who was a moderately, severely, or profoundly mentally
4 retarded person as defined in this Code and in Section 2-10.1
5 of the Criminal Code of 1961 at the time the act was committed,
6 including but not limited to prosecutions for violations of
7 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
8 prosecutions for violations of Sections 10-1 (kidnapping),
9 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
10 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
11 detention), 10-5 (child abduction), 10-6 (harboring a
12 runaway), 10-7 (aiding or abetting child abduction), 11-9
13 (public indecency), 11-11 (sexual relations within families),
14 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
15 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3
16 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated
17 battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery
18 with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7
19 (drug induced infliction of great bodily harm), 12-5 (reckless
20 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling
21 organization membership of persons), 12-7.1 (hate crime),
22 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10
23 (tattooing body of minor), 12-11 (home invasion), 12-21.5
24 (child abandonment), 12-21.6 (endangering the life or health of
25 a child) or 12-32 (ritual mutilation) of the Criminal Code of
26 1961 or any sex offense as defined in subsection (B) of Section

1 2 of the Sex Offender Registration Act, the following evidence
2 shall be admitted as an exception to the hearsay rule:

3 (1) testimony by the victim of an out of court
4 statement made by the victim that he or she complained of
5 such act to another; and

6 (2) testimony of an out of court statement made by the
7 victim describing any complaint of such act or matter or
8 detail pertaining to any act which is an element of an
9 offense which is the subject of a prosecution for a sexual
10 or physical act against that victim.

11 (b) Such testimony shall only be admitted if:

12 (1) The court finds in a hearing conducted outside the
13 presence of the jury that the time, content, and
14 circumstances of the statement provide sufficient
15 safeguards of reliability; and

16 (2) The child or moderately, severely, or profoundly
17 mentally retarded person either:

18 (A) testifies at the proceeding; or

19 (B) is unavailable as a witness and there is
20 corroborative evidence of the act which is the subject
21 of the statement; and

22 (3) In a case involving an offense perpetrated against
23 a child under the age of 13, the out of court statement was
24 made before the victim attained 13 years of age or within 3
25 months after the commission of the offense, whichever
26 occurs later, but the statement may be admitted regardless

1 of the age of the victim at the time of the proceeding.

2 (c) If a statement is admitted pursuant to this Section,
3 the court shall instruct the jury that it is for the jury to
4 determine the weight and credibility to be given the statement
5 and that, in making the determination, it shall consider the
6 age and maturity of the child, or the intellectual capabilities
7 of the moderately, severely, or profoundly mentally retarded
8 person, the nature of the statement, the circumstances under
9 which the statement was made, and any other relevant factor.

10 (d) The proponent of the statement shall give the adverse
11 party reasonable notice of his intention to offer the statement
12 and the particulars of the statement.

13 (e) Statements described in paragraphs (1) and (2) of
14 subsection (a) shall not be excluded on the basis that they
15 were obtained as a result of interviews conducted pursuant to a
16 protocol adopted by a Child Advocacy Advisory Board as set
17 forth in subsections (c), (d), and (e) of Section 3 of the
18 Children's Advocacy Center Act or that an interviewer or
19 witness to the interview was or is an employee, agent, or
20 investigator of a State's Attorney's office.

21 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

22 (725 ILCS 5/115-10.3)

23 Sec. 115-10.3. Hearsay exception regarding elder adults.

24 (a) In a prosecution for a physical act, abuse, neglect, or
25 financial exploitation perpetrated upon or against an eligible

1 adult, as defined in the Elder Abuse and Neglect Act, who has
2 been diagnosed by a physician to suffer from (i) any form of
3 dementia, developmental disability, or other form of mental
4 incapacity or (ii) any physical infirmity, including but not
5 limited to prosecutions for violations of Sections 10-1, 10-2,
6 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2,
7 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5,
8 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15,
9 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 18-1, 18-2, 18-3, 18-4,
10 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section
11 12-4.4a, of the Criminal Code of 1961, the following evidence
12 shall be admitted as an exception to the hearsay rule:

13 (1) testimony by an eligible adult, of an out of court
14 statement made by the eligible adult, that he or she
15 complained of such act to another; and

16 (2) testimony of an out of court statement made by the
17 eligible adult, describing any complaint of such act or
18 matter or detail pertaining to any act which is an element
19 of an offense which is the subject of a prosecution for a
20 physical act, abuse, neglect, or financial exploitation
21 perpetrated upon or against the eligible adult.

22 (b) Such testimony shall only be admitted if:

23 (1) The court finds in a hearing conducted outside the
24 presence of the jury that the time, content, and
25 circumstances of the statement provide sufficient
26 safeguards of reliability; and

1 (2) The eligible adult either:

2 (A) testifies at the proceeding; or

3 (B) is unavailable as a witness and there is
4 corroborative evidence of the act which is the subject
5 of the statement.

6 (c) If a statement is admitted pursuant to this Section,
7 the court shall instruct the jury that it is for the jury to
8 determine the weight and credibility to be given the statement
9 and that, in making the determination, it shall consider the
10 condition of the eligible adult, the nature of the statement,
11 the circumstances under which the statement was made, and any
12 other relevant factor.

13 (d) The proponent of the statement shall give the adverse
14 party reasonable notice of his or her intention to offer the
15 statement and the particulars of the statement.

16 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

17 Section 970. The Unified Code of Corrections is amended by
18 changing Sections 3-6-3, 5-3-2, 5-5-3, 5-5-3.2, 5-8-4, 5-8A-2,
19 and 5-9-1.16 as follows:

20 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

21 Sec. 3-6-3. Rules and Regulations for Early Release.

22 (a) (1) The Department of Corrections shall prescribe
23 rules and regulations for the early release on account of
24 good conduct of persons committed to the Department which

1 shall be subject to review by the Prisoner Review Board.

2 (2) The rules and regulations on early release shall
3 provide, with respect to offenses listed in clause (i),
4 (ii), or (iii) of this paragraph (2) committed on or after
5 June 19, 1998 or with respect to the offense listed in
6 clause (iv) of this paragraph (2) committed on or after
7 June 23, 2005 (the effective date of Public Act 94-71) or
8 with respect to offense listed in clause (vi) committed on
9 or after June 1, 2008 (the effective date of Public Act
10 95-625) or with respect to the offense of being an armed
11 habitual criminal committed on or after August 2, 2005 (the
12 effective date of Public Act 94-398) or with respect to the
13 offenses listed in clause (v) of this paragraph (2)
14 committed on or after August 13, 2007 (the effective date
15 of Public Act 95-134) or with respect to the offense of
16 aggravated domestic battery committed on or after July 23,
17 2010 (the effective date of Public Act 96-1224) ~~this~~
18 ~~amendatory Act of the 96th General Assembly~~, the following:

19 (i) that a prisoner who is serving a term of
20 imprisonment for first degree murder or for the offense
21 of terrorism shall receive no good conduct credit and
22 shall serve the entire sentence imposed by the court;

23 (ii) that a prisoner serving a sentence for attempt
24 to commit first degree murder, solicitation of murder,
25 solicitation of murder for hire, intentional homicide
26 of an unborn child, predatory criminal sexual assault

1 of a child, aggravated criminal sexual assault,
2 criminal sexual assault, aggravated kidnapping,
3 aggravated battery with a firearm as described in
4 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
5 or (e) (4) of Section 12-3.05, heinous battery as
6 described in Section 12-4.1 or subdivision (a) (2) of
7 Section 12-3.05, being an armed habitual criminal,
8 aggravated battery of a senior citizen as described in
9 Section 12-4.6 or subdivision (a) (4) of Section
10 12-3.05, or aggravated battery of a child as described
11 in Section 12-4.3 or subdivision (b) (1) of Section
12 12-3.05 shall receive no more than 4.5 days of good
13 conduct credit for each month of his or her sentence of
14 imprisonment;

15 (iii) that a prisoner serving a sentence for home
16 invasion, armed robbery, aggravated vehicular
17 hijacking, aggravated discharge of a firearm, or armed
18 violence with a category I weapon or category II
19 weapon, when the court has made and entered a finding,
20 pursuant to subsection (c-1) of Section 5-4-1 of this
21 Code, that the conduct leading to conviction for the
22 enumerated offense resulted in great bodily harm to a
23 victim, shall receive no more than 4.5 days of good
24 conduct credit for each month of his or her sentence of
25 imprisonment;

26 (iv) that a prisoner serving a sentence for

1 aggravated discharge of a firearm, whether or not the
2 conduct leading to conviction for the offense resulted
3 in great bodily harm to the victim, shall receive no
4 more than 4.5 days of good conduct credit for each
5 month of his or her sentence of imprisonment;

6 (v) that a person serving a sentence for
7 gunrunning, narcotics racketeering, controlled
8 substance trafficking, methamphetamine trafficking,
9 drug-induced homicide, aggravated
10 methamphetamine-related child endangerment, money
11 laundering pursuant to clause (c) (4) or (5) of Section
12 29B-1 of the Criminal Code of 1961, or a Class X felony
13 conviction for delivery of a controlled substance,
14 possession of a controlled substance with intent to
15 manufacture or deliver, calculated criminal drug
16 conspiracy, criminal drug conspiracy, street gang
17 criminal drug conspiracy, participation in
18 methamphetamine manufacturing, aggravated
19 participation in methamphetamine manufacturing,
20 delivery of methamphetamine, possession with intent to
21 deliver methamphetamine, aggravated delivery of
22 methamphetamine, aggravated possession with intent to
23 deliver methamphetamine, methamphetamine conspiracy
24 when the substance containing the controlled substance
25 or methamphetamine is 100 grams or more shall receive
26 no more than 7.5 days good conduct credit for each

1 month of his or her sentence of imprisonment;

2 (vi) that a prisoner serving a sentence for a
3 second or subsequent offense of luring a minor shall
4 receive no more than 4.5 days of good conduct credit
5 for each month of his or her sentence of imprisonment;
6 and

7 (vii) that a prisoner serving a sentence for
8 aggravated domestic battery shall receive no more than
9 4.5 days of good conduct credit for each month of his
10 or her sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 or subdivision (a)(2)(vi) committed on or after June 1,
18 2008 (the effective date of Public Act 95-625) or
19 subdivision (a)(2)(vii) committed on or after July 23, 2010
20 (the effective date of Public Act 96-1224) ~~this amendatory~~
21 ~~Act of the 96th General Assembly,~~ and other than the
22 offense of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof as defined in
25 subparagraph (F) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code, and other than

1 the offense of aggravated driving under the influence of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof as defined in
4 subparagraph (C) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code committed on or
6 after January 1, 2011 (the effective date of Public Act
7 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
8 the rules and regulations shall provide that a prisoner who
9 is serving a term of imprisonment shall receive one day of
10 good conduct credit for each day of his or her sentence of
11 imprisonment or recommitment under Section 3-3-9. Each day
12 of good conduct credit shall reduce by one day the
13 prisoner's period of imprisonment or recommitment under
14 Section 3-3-9.

15 (2.2) A prisoner serving a term of natural life
16 imprisonment or a prisoner who has been sentenced to death
17 shall receive no good conduct credit.

18 (2.3) The rules and regulations on early release shall
19 provide that a prisoner who is serving a sentence for
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof as defined in subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code, shall receive no more than 4.5 days
25 of good conduct credit for each month of his or her
26 sentence of imprisonment.

1 (2.4) The rules and regulations on early release shall
2 provide with respect to the offenses of aggravated battery
3 with a machine gun or a firearm equipped with any device or
4 attachment designed or used for silencing the report of a
5 firearm or aggravated discharge of a machine gun or a
6 firearm equipped with any device or attachment designed or
7 used for silencing the report of a firearm, committed on or
8 after July 15, 1999 (the effective date of Public Act
9 91-121), that a prisoner serving a sentence for any of
10 these offenses shall receive no more than 4.5 days of good
11 conduct credit for each month of his or her sentence of
12 imprisonment.

13 (2.5) The rules and regulations on early release shall
14 provide that a prisoner who is serving a sentence for
15 aggravated arson committed on or after July 27, 2001 (the
16 effective date of Public Act 92-176) shall receive no more
17 than 4.5 days of good conduct credit for each month of his
18 or her sentence of imprisonment.

19 (2.6) The rules and regulations on early release shall
20 provide that a prisoner who is serving a sentence for
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof as defined in subparagraph (C) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code committed on or after January 1, 2011
26 (the effective date of Public Act 96-1230) ~~this amendatory~~

1 ~~Act of the 96th General Assembly,~~ shall receive no more
2 than 4.5 days of good conduct credit for each month of his
3 or her sentence of imprisonment.

4 (3) The rules and regulations shall also provide that
5 the Director may award up to 180 days additional good
6 conduct credit for meritorious service in specific
7 instances as the Director deems proper; except that no more
8 than 90 days of good conduct credit for meritorious service
9 shall be awarded to any prisoner who is serving a sentence
10 for conviction of first degree murder, reckless homicide
11 while under the influence of alcohol or any other drug, or
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, criminal sexual assault, deviate
19 sexual assault, aggravated criminal sexual abuse,
20 aggravated indecent liberties with a child, indecent
21 liberties with a child, child pornography, heinous battery
22 as described in Section 12-4.1 or subdivision (a)(2) of
23 Section 12-3.05, aggravated battery of a spouse,
24 aggravated battery of a spouse with a firearm, stalking,
25 aggravated stalking, aggravated battery of a child as
26 described in Section 12-4.3 or subdivision (b)(1) of

1 Section 12-3.05, endangering the life or health of a child,
2 or cruelty to a child. Notwithstanding the foregoing, good
3 conduct credit for meritorious service shall not be awarded
4 on a sentence of imprisonment imposed for conviction of:
5 (i) one of the offenses enumerated in subdivision
6 (a)(2)(i), (ii), or (iii) when the offense is committed on
7 or after June 19, 1998 or subdivision (a)(2)(iv) when the
8 offense is committed on or after June 23, 2005 (the
9 effective date of Public Act 94-71) or subdivision
10 (a)(2)(v) when the offense is committed on or after August
11 13, 2007 (the effective date of Public Act 95-134) or
12 subdivision (a)(2)(vi) when the offense is committed on or
13 after June 1, 2008 (the effective date of Public Act
14 95-625) or subdivision (a)(2)(vii) when the offense is
15 committed on or after July 23, 2010 (the effective date of
16 Public Act 96-1224) ~~this amendatory Act of the 96th General~~
17 ~~Assembly~~, (ii) aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof as defined in
20 subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code, (iii) one of
22 the offenses enumerated in subdivision (a)(2.4) when the
23 offense is committed on or after July 15, 1999 (the
24 effective date of Public Act 91-121), (iv) aggravated arson
25 when the offense is committed on or after July 27, 2001
26 (the effective date of Public Act 92-176), ~~or~~ (v) offenses

1 that may subject the offender to commitment under the
2 Sexually Violent Persons Commitment Act, or (vi) ~~(v)~~
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof as defined in subparagraph (C) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code committed on or after January 1, 2011
8 (the effective date of Public Act 96-1230) ~~this amendatory~~
9 ~~Act of the 96th General Assembly.~~

10 The Director shall not award good conduct credit for
11 meritorious service under this paragraph (3) to an inmate
12 unless the inmate has served a minimum of 60 days of the
13 sentence; except nothing in this paragraph shall be
14 construed to permit the Director to extend an inmate's
15 sentence beyond that which was imposed by the court. Prior
16 to awarding credit under this paragraph (3), the Director
17 shall make a written determination that the inmate:

18 (A) is eligible for good conduct credit for
19 meritorious service;

20 (B) has served a minimum of 60 days, or as close to
21 60 days as the sentence will allow; and

22 (C) has met the eligibility criteria established
23 by rule.

24 The Director shall determine the form and content of
25 the written determination required in this subsection.

26 (4) The rules and regulations shall also provide that

1 the good conduct credit accumulated and retained under
2 paragraph (2.1) of subsection (a) of this Section by any
3 inmate during specific periods of time in which such inmate
4 is engaged full-time in substance abuse programs,
5 correctional industry assignments, or educational programs
6 provided by the Department under this paragraph (4) and
7 satisfactorily completes the assigned program as
8 determined by the standards of the Department, shall be
9 multiplied by a factor of 1.25 for program participation
10 before August 11, 1993 and 1.50 for program participation
11 on or after that date. However, no inmate shall be eligible
12 for the additional good conduct credit under this paragraph
13 (4) or (4.1) of this subsection (a) while assigned to a
14 boot camp or electronic detention, or if convicted of an
15 offense enumerated in subdivision (a)(2)(i), (ii), or
16 (iii) of this Section that is committed on or after June
17 19, 1998 or subdivision (a)(2)(iv) of this Section that is
18 committed on or after June 23, 2005 (the effective date of
19 Public Act 94-71) or subdivision (a)(2)(v) of this Section
20 that is committed on or after August 13, 2007 (the
21 effective date of Public Act 95-134) or subdivision
22 (a)(2)(vi) when the offense is committed on or after June
23 1, 2008 (the effective date of Public Act 95-625) or
24 subdivision (a)(2)(vii) when the offense is committed on or
25 after July 23, 2010 (the effective date of Public Act
26 96-1224) ~~this amendatory Act of the 96th General Assembly,~~

1 or if convicted of aggravated driving under the influence
2 of alcohol, other drug or drugs, or intoxicating compound
3 or compounds, or any combination thereof as defined in
4 subparagraph (F) of paragraph (1) of subsection (d) of
5 Section 11-501 of the Illinois Vehicle Code, or if
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof as defined in
9 subparagraph (C) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code committed on or
11 after January 1, 2011 (the effective date of Public Act
12 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
13 or if convicted of an offense enumerated in paragraph
14 (a) (2.4) of this Section that is committed on or after July
15 15, 1999 (the effective date of Public Act 91-121), or
16 first degree murder, a Class X felony, criminal sexual
17 assault, felony criminal sexual abuse, aggravated criminal
18 sexual abuse, aggravated battery with a firearm as
19 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
20 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
21 successor offenses with the same or substantially the same
22 elements, or any inchoate offenses relating to the
23 foregoing offenses. No inmate shall be eligible for the
24 additional good conduct credit under this paragraph (4) who
25 (i) has previously received increased good conduct credit
26 under this paragraph (4) and has subsequently been

1 convicted of a felony, or (ii) has previously served more
2 than one prior sentence of imprisonment for a felony in an
3 adult correctional facility.

4 Educational, vocational, substance abuse and
5 correctional industry programs under which good conduct
6 credit may be increased under this paragraph (4) and
7 paragraph (4.1) of this subsection (a) shall be evaluated
8 by the Department on the basis of documented standards. The
9 Department shall report the results of these evaluations to
10 the Governor and the General Assembly by September 30th of
11 each year. The reports shall include data relating to the
12 recidivism rate among program participants.

13 Availability of these programs shall be subject to the
14 limits of fiscal resources appropriated by the General
15 Assembly for these purposes. Eligible inmates who are
16 denied immediate admission shall be placed on a waiting
17 list under criteria established by the Department. The
18 inability of any inmate to become engaged in any such
19 programs by reason of insufficient program resources or for
20 any other reason established under the rules and
21 regulations of the Department shall not be deemed a cause
22 of action under which the Department or any employee or
23 agent of the Department shall be liable for damages to the
24 inmate.

25 (4.1) The rules and regulations shall also provide that
26 an additional 60 days of good conduct credit shall be

1 awarded to any prisoner who passes the high school level
2 Test of General Educational Development (GED) while the
3 prisoner is incarcerated. The good conduct credit awarded
4 under this paragraph (4.1) shall be in addition to, and
5 shall not affect, the award of good conduct under any other
6 paragraph of this Section, but shall also be pursuant to
7 the guidelines and restrictions set forth in paragraph (4)
8 of subsection (a) of this Section. The good conduct credit
9 provided for in this paragraph shall be available only to
10 those prisoners who have not previously earned a high
11 school diploma or a GED. If, after an award of the GED good
12 conduct credit has been made and the Department determines
13 that the prisoner was not eligible, then the award shall be
14 revoked.

15 (4.5) The rules and regulations on early release shall
16 also provide that when the court's sentencing order
17 recommends a prisoner for substance abuse treatment and the
18 crime was committed on or after September 1, 2003 (the
19 effective date of Public Act 93-354), the prisoner shall
20 receive no good conduct credit awarded under clause (3) of
21 this subsection (a) unless he or she participates in and
22 completes a substance abuse treatment program. The
23 Director may waive the requirement to participate in or
24 complete a substance abuse treatment program and award the
25 good conduct credit in specific instances if the prisoner
26 is not a good candidate for a substance abuse treatment

1 program for medical, programming, or operational reasons.
2 Availability of substance abuse treatment shall be subject
3 to the limits of fiscal resources appropriated by the
4 General Assembly for these purposes. If treatment is not
5 available and the requirement to participate and complete
6 the treatment has not been waived by the Director, the
7 prisoner shall be placed on a waiting list under criteria
8 established by the Department. The Director may allow a
9 prisoner placed on a waiting list to participate in and
10 complete a substance abuse education class or attend
11 substance abuse self-help meetings in lieu of a substance
12 abuse treatment program. A prisoner on a waiting list who
13 is not placed in a substance abuse program prior to release
14 may be eligible for a waiver and receive good conduct
15 credit under clause (3) of this subsection (a) at the
16 discretion of the Director.

17 (4.6) The rules and regulations on early release shall
18 also provide that a prisoner who has been convicted of a
19 sex offense as defined in Section 2 of the Sex Offender
20 Registration Act shall receive no good conduct credit
21 unless he or she either has successfully completed or is
22 participating in sex offender treatment as defined by the
23 Sex Offender Management Board. However, prisoners who are
24 waiting to receive such treatment, but who are unable to do
25 so due solely to the lack of resources on the part of the
26 Department, may, at the Director's sole discretion, be

1 awarded good conduct credit at such rate as the Director
2 shall determine.

3 (5) Whenever the Department is to release any inmate
4 earlier than it otherwise would because of a grant of good
5 conduct credit for meritorious service given at any time
6 during the term, the Department shall give reasonable
7 notice of the impending release not less than 14 days prior
8 to the date of the release to the State's Attorney of the
9 county where the prosecution of the inmate took place, and
10 if applicable, the State's Attorney of the county into
11 which the inmate will be released. The Department must also
12 make identification information and a recent photo of the
13 inmate being released accessible on the Internet by means
14 of a hyperlink labeled "Community Notification of Inmate
15 Early Release" on the Department's World Wide Web homepage.
16 The identification information shall include the inmate's:
17 name, any known alias, date of birth, physical
18 characteristics, residence address, commitment offense and
19 county where conviction was imposed. The identification
20 information shall be placed on the website within 3 days of
21 the inmate's release and the information may not be removed
22 until either: completion of the first year of mandatory
23 supervised release or return of the inmate to custody of
24 the Department.

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of good time.

3 (c) The Department shall prescribe rules and regulations
4 for revoking good conduct credit, or suspending or reducing the
5 rate of accumulation of good conduct credit for specific rule
6 violations, during imprisonment. These rules and regulations
7 shall provide that no inmate may be penalized more than one
8 year of good conduct credit for any one infraction.

9 When the Department seeks to revoke, suspend or reduce the
10 rate of accumulation of any good conduct credits for an alleged
11 infraction of its rules, it shall bring charges therefor
12 against the prisoner sought to be so deprived of good conduct
13 credits before the Prisoner Review Board as provided in
14 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
15 amount of credit at issue exceeds 30 days or when during any 12
16 month period, the cumulative amount of credit revoked exceeds
17 30 days except where the infraction is committed or discovered
18 within 60 days of scheduled release. In those cases, the
19 Department of Corrections may revoke up to 30 days of good
20 conduct credit. The Board may subsequently approve the
21 revocation of additional good conduct credit, if the Department
22 seeks to revoke good conduct credit in excess of 30 days.
23 However, the Board shall not be empowered to review the
24 Department's decision with respect to the loss of 30 days of
25 good conduct credit within any calendar year for any prisoner
26 or to increase any penalty beyond the length requested by the

1 Department.

2 The Director of the Department of Corrections, in
3 appropriate cases, may restore up to 30 days good conduct
4 credits which have been revoked, suspended or reduced. Any
5 restoration of good conduct credits in excess of 30 days shall
6 be subject to review by the Prisoner Review Board. However, the
7 Board may not restore good conduct credit in excess of the
8 amount requested by the Director.

9 Nothing contained in this Section shall prohibit the
10 Prisoner Review Board from ordering, pursuant to Section
11 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
12 sentence imposed by the court that was not served due to the
13 accumulation of good conduct credit.

14 (d) If a lawsuit is filed by a prisoner in an Illinois or
15 federal court against the State, the Department of Corrections,
16 or the Prisoner Review Board, or against any of their officers
17 or employees, and the court makes a specific finding that a
18 pleading, motion, or other paper filed by the prisoner is
19 frivolous, the Department of Corrections shall conduct a
20 hearing to revoke up to 180 days of good conduct credit by
21 bringing charges against the prisoner sought to be deprived of
22 the good conduct credits before the Prisoner Review Board as
23 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
24 If the prisoner has not accumulated 180 days of good conduct
25 credit at the time of the finding, then the Prisoner Review
26 Board may revoke all good conduct credit accumulated by the

1 prisoner.

2 For purposes of this subsection (d):

3 (1) "Frivolous" means that a pleading, motion, or other
4 filing which purports to be a legal document filed by a
5 prisoner in his or her lawsuit meets any or all of the
6 following criteria:

7 (A) it lacks an arguable basis either in law or in
8 fact;

9 (B) it is being presented for any improper purpose,
10 such as to harass or to cause unnecessary delay or
11 needless increase in the cost of litigation;

12 (C) the claims, defenses, and other legal
13 contentions therein are not warranted by existing law
14 or by a nonfrivolous argument for the extension,
15 modification, or reversal of existing law or the
16 establishment of new law;

17 (D) the allegations and other factual contentions
18 do not have evidentiary support or, if specifically so
19 identified, are not likely to have evidentiary support
20 after a reasonable opportunity for further
21 investigation or discovery; or

22 (E) the denials of factual contentions are not
23 warranted on the evidence, or if specifically so
24 identified, are not reasonably based on a lack of
25 information or belief.

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus
2 action under Article X of the Code of Civil Procedure or
3 under federal law (28 U.S.C. 2254), a petition for claim
4 under the Court of Claims Act, an action under the federal
5 Civil Rights Act (42 U.S.C. 1983), or a second or
6 subsequent petition for post-conviction relief under
7 Article 122 of the Code of Criminal Procedure of 1963
8 whether filed with or without leave of court or a second or
9 subsequent petition for relief from judgment under Section
10 2-1401 of the Code of Civil Procedure.

11 (e) Nothing in Public Act 90-592 or 90-593 affects the
12 validity of Public Act 89-404.

13 (f) Whenever the Department is to release any inmate who
14 has been convicted of a violation of an order of protection
15 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
16 earlier than it otherwise would because of a grant of good
17 conduct credit, the Department, as a condition of such early
18 release, shall require that the person, upon release, be placed
19 under electronic surveillance as provided in Section 5-8A-7 of
20 this Code.

21 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
22 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
23 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
24 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
25 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

1 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

2 Sec. 5-3-2. Presentence Report.

3 (a) In felony cases, the presentence report shall set
4 forth:

5 (1) the defendant's history of delinquency or
6 criminality, physical and mental history and condition,
7 family situation and background, economic status,
8 education, occupation and personal habits;

9 (2) information about special resources within the
10 community which might be available to assist the
11 defendant's rehabilitation, including treatment centers,
12 residential facilities, vocational training services,
13 correctional manpower programs, employment opportunities,
14 special educational programs, alcohol and drug abuse
15 programming, psychiatric and marriage counseling, and
16 other programs and facilities which could aid the
17 defendant's successful reintegration into society;

18 (3) the effect the offense committed has had upon the
19 victim or victims thereof, and any compensatory benefit
20 that various sentencing alternatives would confer on such
21 victim or victims;

22 (4) information concerning the defendant's status
23 since arrest, including his record if released on his own
24 recognizance, or the defendant's achievement record if
25 released on a conditional pre-trial supervision program;

26 (5) when appropriate, a plan, based upon the personal,

1 economic and social adjustment needs of the defendant,
2 utilizing public and private community resources as an
3 alternative to institutional sentencing;

4 (6) any other matters that the investigatory officer
5 deems relevant or the court directs to be included; and

6 (7) information concerning defendant's eligibility for
7 a sentence to a county impact incarceration program under
8 Section 5-8-1.2 of this Code.

9 (b) The investigation shall include a physical and mental
10 examination of the defendant when so ordered by the court. If
11 the court determines that such an examination should be made,
12 it shall issue an order that the defendant submit to
13 examination at such time and place as designated by the court
14 and that such examination be conducted by a physician,
15 psychologist or psychiatrist designated by the court. Such an
16 examination may be conducted in a court clinic if so ordered by
17 the court. The cost of such examination shall be paid by the
18 county in which the trial is held.

19 (b-5) In cases involving felony sex offenses in which the
20 offender is being considered for probation only or any felony
21 offense that is sexually motivated as defined in the Sex
22 Offender Management Board Act in which the offender is being
23 considered for probation only, the investigation shall include
24 a sex offender evaluation by an evaluator approved by the Board
25 and conducted in conformance with the standards developed under
26 the Sex Offender Management Board Act. In cases in which the

1 offender is being considered for any mandatory prison sentence,
2 the investigation shall not include a sex offender evaluation.

3 (c) In misdemeanor, business offense or petty offense
4 cases, except as specified in subsection (d) of this Section,
5 when a presentence report has been ordered by the court, such
6 presentence report shall contain information on the
7 defendant's history of delinquency or criminality and shall
8 further contain only those matters listed in any of paragraphs
9 (1) through (6) of subsection (a) or in subsection (b) of this
10 Section as are specified by the court in its order for the
11 report.

12 (d) In cases under Section 12-15 and Section 12-3.4 or
13 12-30 of the Criminal Code of 1961, as amended, the presentence
14 report shall set forth information about alcohol, drug abuse,
15 psychiatric, and marriage counseling or other treatment
16 programs and facilities, information on the defendant's
17 history of delinquency or criminality, and shall contain those
18 additional matters listed in any of paragraphs (1) through (6)
19 of subsection (a) or in subsection (b) of this Section as are
20 specified by the court.

21 (e) Nothing in this Section shall cause the defendant to be
22 held without bail or to have his bail revoked for the purpose
23 of preparing the presentence report or making an examination.

24 (Source: P.A. 96-322, eff. 1-1-10.)

1 Sec. 5-5-3. Disposition.

2 (a) (Blank).

3 (b) (Blank).

4 (c) (1) (Blank).

5 (2) A period of probation, a term of periodic
6 imprisonment or conditional discharge shall not be imposed
7 for the following offenses. The court shall sentence the
8 offender to not less than the minimum term of imprisonment
9 set forth in this Code for the following offenses, and may
10 order a fine or restitution or both in conjunction with
11 such term of imprisonment:

12 (A) First degree murder where the death penalty is
13 not imposed.

14 (B) Attempted first degree murder.

15 (C) A Class X felony.

16 (D) A violation of Section 401.1 or 407 of the
17 Illinois Controlled Substances Act, or a violation of
18 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
19 of that Act which relates to more than 5 grams of a
20 substance containing heroin, cocaine, fentanyl, or an
21 analog thereof.

22 (E) A violation of Section 5.1 or 9 of the Cannabis
23 Control Act.

24 (F) A Class 2 or greater felony if the offender had
25 been convicted of a Class 2 or greater felony,
26 including any state or federal conviction for an

1 offense that contained, at the time it was committed,
2 the same elements as an offense now (the date of the
3 offense committed after the prior Class 2 or greater
4 felony) classified as a Class 2 or greater felony,
5 within 10 years of the date on which the offender
6 committed the offense for which he or she is being
7 sentenced, except as otherwise provided in Section
8 40-10 of the Alcoholism and Other Drug Abuse and
9 Dependency Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or
11 24-1.6 of the Criminal Code of 1961 for which
12 imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise
14 provided in Section 40-10 of the Alcoholism and Other
15 Drug Abuse and Dependency Act.

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as
18 described in Section 12-4.6 or subdivision (a)(4) of
19 Section 12-3.05.

20 (J) A forcible felony if the offense was related to
21 the activities of an organized gang.

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5
24 or more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate
26 crimes or provides support to the members of the

1 association who do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed
4 to it in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the
8 offense of hate crime when the underlying offense upon
9 which the hate crime is based is felony aggravated
10 assault or felony mob action.

11 (M) A second or subsequent conviction for the
12 offense of institutional vandalism if the damage to the
13 property exceeds \$300.

14 (N) A Class 3 felony violation of paragraph (1) of
15 subsection (a) of Section 2 of the Firearm Owners
16 Identification Card Act.

17 (O) A violation of Section 12-6.1 or 12-6.5 of the
18 Criminal Code of 1961.

19 (P) A violation of paragraph (1), (2), (3), (4),
20 (5), or (7) of subsection (a) of Section 11-20.1 of the
21 Criminal Code of 1961.

22 (Q) A violation of Section 20-1.2 or 20-1.3 of the
23 Criminal Code of 1961.

24 (R) A violation of Section 24-3A of the Criminal
25 Code of 1961.

26 (S) (Blank).

1 (T) A second or subsequent violation of the
2 Methamphetamine Control and Community Protection Act.

3 (U) A second or subsequent violation of Section
4 6-303 of the Illinois Vehicle Code committed while his
5 or her driver's license, permit, or privilege was
6 revoked because of a violation of Section 9-3 of the
7 Criminal Code of 1961, relating to the offense of
8 reckless homicide, or a similar provision of a law of
9 another state.

10 (V) A violation of paragraph (4) of subsection (c)
11 of Section 11-20.3 of the Criminal Code of 1961.

12 (W) A violation of Section 24-3.5 of the Criminal
13 Code of 1961.

14 (X) A violation of subsection (a) of Section 31-1a
15 of the Criminal Code of 1961.

16 (Y) A conviction for unlawful possession of a
17 firearm by a street gang member when the firearm was
18 loaded or contained firearm ammunition.

19 (Z) A Class 1 felony committed while he or she was
20 serving a term of probation or conditional discharge
21 for a felony.

22 (AA) Theft of property exceeding \$500,000 and not
23 exceeding \$1,000,000 in value.

24 (BB) Laundering of criminally derived property of
25 a value exceeding \$500,000.

26 (CC) Knowingly selling, offering for sale, holding

1 for sale, or using 2,000 or more counterfeit items or
2 counterfeit items having a retail value in the
3 aggregate of \$500,000 or more.

4 (3) (Blank).

5 (4) A minimum term of imprisonment of not less than 10
6 consecutive days or 30 days of community service shall be
7 imposed for a violation of paragraph (c) of Section 6-303
8 of the Illinois Vehicle Code.

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8)
11 of this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court,
16 shall be imposed for a second violation of subsection (c)
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6),
19 and (4.9) of this subsection (c), a minimum term of
20 imprisonment of 30 days or 300 hours of community service,
21 as determined by the court, shall be imposed for a third or
22 subsequent violation of Section 6-303 of the Illinois
23 Vehicle Code.

24 (4.5) A minimum term of imprisonment of 30 days shall
25 be imposed for a third violation of subsection (c) of
26 Section 6-303 of the Illinois Vehicle Code.

1 (4.6) Except as provided in paragraph (4.10) of this
2 subsection (c), a minimum term of imprisonment of 180 days
3 shall be imposed for a fourth or subsequent violation of
4 subsection (c) of Section 6-303 of the Illinois Vehicle
5 Code.

6 (4.7) A minimum term of imprisonment of not less than
7 30 consecutive days, or 300 hours of community service,
8 shall be imposed for a violation of subsection (a-5) of
9 Section 6-303 of the Illinois Vehicle Code, as provided in
10 subsection (b-5) of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for
12 a second violation of subsection (a-5) of Section 6-303 of
13 the Illinois Vehicle Code, as provided in subsection (c-5)
14 of that Section. The person's driving privileges shall be
15 revoked for a period of not less than 5 years from the date
16 of his or her release from prison.

17 (4.9) A mandatory prison sentence of not less than 4
18 and not more than 15 years shall be imposed for a third
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-2.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-3.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (5) The court may sentence a corporation or
5 unincorporated association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section
9 5-5-6 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of
13 the Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 90
15 days but not more than one year, if the violation resulted
16 in damage to the property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted
19 of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's
21 license, permit, or privileges suspended for at least 180
22 days but not more than 2 years, if the violation resulted
23 in injury to another person.

24 (5.3) In addition to any other penalties imposed, a
25 person convicted of violating subsection (c) of Section
26 11-907 of the Illinois Vehicle Code shall have his or her

1 driver's license, permit, or privileges suspended for 2
2 years, if the violation resulted in the death of another
3 person.

4 (5.4) In addition to any other penalties imposed, a
5 person convicted of violating Section 3-707 of the Illinois
6 Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for 3 months and until he
8 or she has paid a reinstatement fee of \$100.

9 (5.5) In addition to any other penalties imposed, a
10 person convicted of violating Section 3-707 of the Illinois
11 Vehicle Code during a period in which his or her driver's
12 license, permit, or privileges were suspended for a
13 previous violation of that Section shall have his or her
14 driver's license, permit, or privileges suspended for an
15 additional 6 months after the expiration of the original
16 3-month suspension and until he or she has paid a
17 reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent
22 offense of ritualized abuse of a child may be sentenced to
23 a term of natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000
26 for a first offense and \$2,000 for a second or subsequent

1 offense upon a person convicted of or placed on supervision
2 for battery when the individual harmed was a sports
3 official or coach at any level of competition and the act
4 causing harm to the sports official or coach occurred
5 within an athletic facility or within the immediate
6 vicinity of the athletic facility at which the sports
7 official or coach was an active participant of the athletic
8 contest held at the athletic facility. For the purposes of
9 this paragraph (11), "sports official" means a person at an
10 athletic contest who enforces the rules of the contest,
11 such as an umpire or referee; "athletic facility" means an
12 indoor or outdoor playing field or recreational area where
13 sports activities are conducted; and "coach" means a person
14 recognized as a coach by the sanctioning authority that
15 conducted the sporting event.

16 (12) A person may not receive a disposition of court
17 supervision for a violation of Section 5-16 of the Boat
18 Registration and Safety Act if that person has previously
19 received a disposition of court supervision for a violation
20 of that Section.

21 (13) A person convicted of or placed on court
22 supervision for an assault or aggravated assault when the
23 victim and the offender are family or household members as
24 defined in Section 103 of the Illinois Domestic Violence
25 Act of 1986 or convicted of domestic battery or aggravated
26 domestic battery may be required to attend a Partner Abuse

1 Intervention Program under protocols set forth by the
2 Illinois Department of Human Services under such terms and
3 conditions imposed by the court. The costs of such classes
4 shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is
6 vacated, the case shall be remanded to the trial court. The
7 trial court shall hold a hearing under Section 5-4-1 of the
8 Unified Code of Corrections which may include evidence of the
9 defendant's life, moral character and occupation during the
10 time since the original sentence was passed. The trial court
11 shall then impose sentence upon the defendant. The trial court
12 may impose any sentence which could have been imposed at the
13 original trial subject to Section 5-5-4 of the Unified Code of
14 Corrections. If a sentence is vacated on appeal or on
15 collateral attack due to the failure of the trier of fact at
16 trial to determine beyond a reasonable doubt the existence of a
17 fact (other than a prior conviction) necessary to increase the
18 punishment for the offense beyond the statutory maximum
19 otherwise applicable, either the defendant may be re-sentenced
20 to a term within the range otherwise provided or, if the State
21 files notice of its intention to again seek the extended
22 sentence, the defendant shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 12-16 of the Criminal Code of 1961
25 results in conviction of a defendant who was a family member of
26 the victim at the time of the commission of the offense, the

1 court shall consider the safety and welfare of the victim and
2 may impose a sentence of probation only where:

3 (1) the court finds (A) or (B) or both are appropriate:

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of 2
6 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan including but not limited to the
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of paying
22 for such services, if the victim was under 18 years of age
23 at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 12-12 of the Criminal Code of 1961.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
12 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
13 of the Criminal Code of 1961, the defendant shall undergo
14 medical testing to determine whether the defendant has any
15 sexually transmissible disease, including a test for infection
16 with human immunodeficiency virus (HIV) or any other identified
17 causative agent of acquired immunodeficiency syndrome (AIDS).
18 Any such medical test shall be performed only by appropriately
19 licensed medical practitioners and may include an analysis of
20 any bodily fluids as well as an examination of the defendant's
21 person. Except as otherwise provided by law, the results of
22 such test shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the judge of the court in
25 which the conviction was entered for the judge's inspection in
26 camera. Acting in accordance with the best interests of the

1 victim and the public, the judge shall have the discretion to
2 determine to whom, if anyone, the results of the testing may be
3 revealed. The court shall notify the defendant of the test
4 results. The court shall also notify the victim if requested by
5 the victim, and if the victim is under the age of 15 and if
6 requested by the victim's parents or legal guardian, the court
7 shall notify the victim's parents or legal guardian of the test
8 results. The court shall provide information on the
9 availability of HIV testing and counseling at Department of
10 Public Health facilities to all parties to whom the results of
11 the testing are revealed and shall direct the State's Attorney
12 to provide the information to the victim when possible. A
13 State's Attorney may petition the court to obtain the results
14 of any HIV test administered under this Section, and the court
15 shall grant the disclosure if the State's Attorney shows it is
16 relevant in order to prosecute a charge of criminal
17 transmission of HIV under Section 12-5.01 or 12-16.2 of the
18 Criminal Code of 1961 against the defendant. The court shall
19 order that the cost of any such test shall be paid by the
20 county and may be taxed as costs against the convicted
21 defendant.

22 (g-5) When an inmate is tested for an airborne communicable
23 disease, as determined by the Illinois Department of Public
24 Health including but not limited to tuberculosis, the results
25 of the test shall be personally delivered by the warden or his
26 or her designee in a sealed envelope to the judge of the court

1 in which the inmate must appear for the judge's inspection in
2 camera if requested by the judge. Acting in accordance with the
3 best interests of those in the courtroom, the judge shall have
4 the discretion to determine what if any precautions need to be
5 taken to prevent transmission of the disease in the courtroom.

6 (h) Whenever a defendant is convicted of an offense under
7 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
8 defendant shall undergo medical testing to determine whether
9 the defendant has been exposed to human immunodeficiency virus
10 (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Except as otherwise provided
12 by law, the results of such test shall be kept strictly
13 confidential by all medical personnel involved in the testing
14 and must be personally delivered in a sealed envelope to the
15 judge of the court in which the conviction was entered for the
16 judge's inspection in camera. Acting in accordance with the
17 best interests of the public, the judge shall have the
18 discretion to determine to whom, if anyone, the results of the
19 testing may be revealed. The court shall notify the defendant
20 of a positive test showing an infection with the human
21 immunodeficiency virus (HIV). The court shall provide
22 information on the availability of HIV testing and counseling
23 at Department of Public Health facilities to all parties to
24 whom the results of the testing are revealed and shall direct
25 the State's Attorney to provide the information to the victim
26 when possible. A State's Attorney may petition the court to

1 obtain the results of any HIV test administered under this
2 Section, and the court shall grant the disclosure if the
3 State's Attorney shows it is relevant in order to prosecute a
4 charge of criminal transmission of HIV under Section 12-5.01 or
5 12-16.2 of the Criminal Code of 1961 against the defendant. The
6 court shall order that the cost of any such test shall be paid
7 by the county and may be taxed as costs against the convicted
8 defendant.

9 (i) All fines and penalties imposed under this Section for
10 any violation of Chapters 3, 4, 6, and 11 of the Illinois
11 Vehicle Code, or a similar provision of a local ordinance, and
12 any violation of the Child Passenger Protection Act, or a
13 similar provision of a local ordinance, shall be collected and
14 disbursed by the circuit clerk as provided under Section 27.5
15 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of Section
17 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
18 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
19 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
20 Code of 1961, any violation of the Illinois Controlled
21 Substances Act, any violation of the Cannabis Control Act, or
22 any violation of the Methamphetamine Control and Community
23 Protection Act results in conviction, a disposition of court
24 supervision, or an order of probation granted under Section 10
25 of the Cannabis Control Act, Section 410 of the Illinois
26 Controlled Substance Act, or Section 70 of the Methamphetamine

1 Control and Community Protection Act of a defendant, the court
2 shall determine whether the defendant is employed by a facility
3 or center as defined under the Child Care Act of 1969, a public
4 or private elementary or secondary school, or otherwise works
5 with children under 18 years of age on a daily basis. When a
6 defendant is so employed, the court shall order the Clerk of
7 the Court to send a copy of the judgment of conviction or order
8 of supervision or probation to the defendant's employer by
9 certified mail. If the employer of the defendant is a school,
10 the Clerk of the Court shall direct the mailing of a copy of
11 the judgment of conviction or order of supervision or probation
12 to the appropriate regional superintendent of schools. The
13 regional superintendent of schools shall notify the State Board
14 of Education of any notification under this subsection.

15 (j-5) A defendant at least 17 years of age who is convicted
16 of a felony and who has not been previously convicted of a
17 misdemeanor or felony and who is sentenced to a term of
18 imprisonment in the Illinois Department of Corrections shall as
19 a condition of his or her sentence be required by the court to
20 attend educational courses designed to prepare the defendant
21 for a high school diploma and to work toward a high school
22 diploma or to work toward passing the high school level Test of
23 General Educational Development (GED) or to work toward
24 completing a vocational training program offered by the
25 Department of Corrections. If a defendant fails to complete the
26 educational training required by his or her sentence during the

1 term of incarceration, the Prisoner Review Board shall, as a
2 condition of mandatory supervised release, require the
3 defendant, at his or her own expense, to pursue a course of
4 study toward a high school diploma or passage of the GED test.
5 The Prisoner Review Board shall revoke the mandatory supervised
6 release of a defendant who wilfully fails to comply with this
7 subsection (j-5) upon his or her release from confinement in a
8 penal institution while serving a mandatory supervised release
9 term; however, the inability of the defendant after making a
10 good faith effort to obtain financial aid or pay for the
11 educational training shall not be deemed a wilful failure to
12 comply. The Prisoner Review Board shall recommit the defendant
13 whose mandatory supervised release term has been revoked under
14 this subsection (j-5) as provided in Section 3-3-9. This
15 subsection (j-5) does not apply to a defendant who has a high
16 school diploma or has successfully passed the GED test. This
17 subsection (j-5) does not apply to a defendant who is
18 determined by the court to be developmentally disabled or
19 otherwise mentally incapable of completing the educational or
20 vocational program.

21 (k) (Blank).

22 (l) (A) Except as provided in paragraph (C) of subsection
23 (l), whenever a defendant, who is an alien as defined by
24 the Immigration and Nationality Act, is convicted of any
25 felony or misdemeanor offense, the court after sentencing
26 the defendant may, upon motion of the State's Attorney,

1 hold sentence in abeyance and remand the defendant to the
2 custody of the Attorney General of the United States or his
3 or her designated agent to be deported when:

4 (1) a final order of deportation has been issued
5 against the defendant pursuant to proceedings under
6 the Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not
8 deprecate the seriousness of the defendant's conduct
9 and would not be inconsistent with the ends of justice.

10 Otherwise, the defendant shall be sentenced as
11 provided in this Chapter V.

12 (B) If the defendant has already been sentenced for a
13 felony or misdemeanor offense, or has been placed on
14 probation under Section 10 of the Cannabis Control Act,
15 Section 410 of the Illinois Controlled Substances Act, or
16 Section 70 of the Methamphetamine Control and Community
17 Protection Act, the court may, upon motion of the State's
18 Attorney to suspend the sentence imposed, commit the
19 defendant to the custody of the Attorney General of the
20 United States or his or her designated agent when:

21 (1) a final order of deportation has been issued
22 against the defendant pursuant to proceedings under
23 the Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not
25 deprecate the seriousness of the defendant's conduct
26 and would not be inconsistent with the ends of justice.

1 (C) This subsection (1) does not apply to offenders who
2 are subject to the provisions of paragraph (2) of
3 subsection (a) of Section 3-6-3.

4 (D) Upon motion of the State's Attorney, if a defendant
5 sentenced under this Section returns to the jurisdiction of
6 the United States, the defendant shall be recommitted to
7 the custody of the county from which he or she was
8 sentenced. Thereafter, the defendant shall be brought
9 before the sentencing court, which may impose any sentence
10 that was available under Section 5-5-3 at the time of
11 initial sentencing. In addition, the defendant shall not be
12 eligible for additional good conduct credit for
13 meritorious service as provided under Section 3-6-6.

14 (m) A person convicted of criminal defacement of property
15 under Section 21-1.3 of the Criminal Code of 1961, in which the
16 property damage exceeds \$300 and the property damaged is a
17 school building, shall be ordered to perform community service
18 that may include cleanup, removal, or painting over the
19 defacement.

20 (n) The court may sentence a person convicted of a
21 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
22 or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to
23 an impact incarceration program if the person is otherwise
24 eligible for that program under Section 5-8-1.1, (ii) to
25 community service, or (iii) if the person is an addict or
26 alcoholic, as defined in the Alcoholism and Other Drug Abuse

1 and Dependency Act, to a substance or alcohol abuse program
2 licensed under that Act.

3 (o) Whenever a person is convicted of a sex offense as
4 defined in Section 2 of the Sex Offender Registration Act, the
5 defendant's driver's license or permit shall be subject to
6 renewal on an annual basis in accordance with the provisions of
7 license renewal established by the Secretary of State.

8 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
9 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
10 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
11 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
12 eff. 12-3-09; 96-1200, eff. 7-22-10.)

13 (730 ILCS 5/5-5-3.2)

14 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
15 Sentencing.

16 (a) The following factors shall be accorded weight in favor
17 of imposing a term of imprisonment or may be considered by the
18 court as reasons to impose a more severe sentence under Section
19 5-8-1 or Article 4.5 of Chapter V:

20 (1) the defendant's conduct caused or threatened
21 serious harm;

22 (2) the defendant received compensation for committing
23 the offense;

24 (3) the defendant has a history of prior delinquency or
25 criminal activity;

1 (4) the defendant, by the duties of his office or by
2 his position, was obliged to prevent the particular offense
3 committed or to bring the offenders committing it to
4 justice;

5 (5) the defendant held public office at the time of the
6 offense, and the offense related to the conduct of that
7 office;

8 (6) the defendant utilized his professional reputation
9 or position in the community to commit the offense, or to
10 afford him an easier means of committing it;

11 (7) the sentence is necessary to deter others from
12 committing the same crime;

13 (8) the defendant committed the offense against a
14 person 60 years of age or older or such person's property;

15 (9) the defendant committed the offense against a
16 person who is physically handicapped or such person's
17 property;

18 (10) by reason of another individual's actual or
19 perceived race, color, creed, religion, ancestry, gender,
20 sexual orientation, physical or mental disability, or
21 national origin, the defendant committed the offense
22 against (i) the person or property of that individual; (ii)
23 the person or property of a person who has an association
24 with, is married to, or has a friendship with the other
25 individual; or (iii) the person or property of a relative
26 (by blood or marriage) of a person described in clause (i)

1 or (ii). For the purposes of this Section, "sexual
2 orientation" means heterosexuality, homosexuality, or
3 bisexuality;

4 (11) the offense took place in a place of worship or on
5 the grounds of a place of worship, immediately prior to,
6 during or immediately following worship services. For
7 purposes of this subparagraph, "place of worship" shall
8 mean any church, synagogue or other building, structure or
9 place used primarily for religious worship;

10 (12) the defendant was convicted of a felony committed
11 while he was released on bail or his own recognizance
12 pending trial for a prior felony and was convicted of such
13 prior felony, or the defendant was convicted of a felony
14 committed while he was serving a period of probation,
15 conditional discharge, or mandatory supervised release
16 under subsection (d) of Section 5-8-1 for a prior felony;

17 (13) the defendant committed or attempted to commit a
18 felony while he was wearing a bulletproof vest. For the
19 purposes of this paragraph (13), a bulletproof vest is any
20 device which is designed for the purpose of protecting the
21 wearer from bullets, shot or other lethal projectiles;

22 (14) the defendant held a position of trust or
23 supervision such as, but not limited to, family member as
24 defined in Section 12-12 of the Criminal Code of 1961,
25 teacher, scout leader, baby sitter, or day care worker, in
26 relation to a victim under 18 years of age, and the

1 defendant committed an offense in violation of Section
2 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
3 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
4 against that victim;

5 (15) the defendant committed an offense related to the
6 activities of an organized gang. For the purposes of this
7 factor, "organized gang" has the meaning ascribed to it in
8 Section 10 of the Streetgang Terrorism Omnibus Prevention
9 Act;

10 (16) the defendant committed an offense in violation of
11 one of the following Sections while in a school, regardless
12 of the time of day or time of year; on any conveyance
13 owned, leased, or contracted by a school to transport
14 students to or from school or a school related activity; on
15 the real property of a school; or on a public way within
16 1,000 feet of the real property comprising any school:
17 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision
21 (a) (4) or (g) (1), of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision
7 (a) (4) or (g) (1), of the Criminal Code of 1961;

8 (17) the defendant committed the offense by reason of
9 any person's activity as a community policing volunteer or
10 to prevent any person from engaging in activity as a
11 community policing volunteer. For the purpose of this
12 Section, "community policing volunteer" has the meaning
13 ascribed to it in Section 2-3.5 of the Criminal Code of
14 1961;

15 (18) the defendant committed the offense in a nursing
16 home or on the real property comprising a nursing home. For
17 the purposes of this paragraph (18), "nursing home" means a
18 skilled nursing or intermediate long term care facility
19 that is subject to license by the Illinois Department of
20 Public Health under the Nursing Home Care Act or the MR/DD
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card Act and has now committed either a
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of
3 reckless homicide under Section 9-3 of the Criminal Code of
4 1961 or the offense of driving under the influence of
5 alcohol, other drug or drugs, intoxicating compound or
6 compounds or any combination thereof under Section 11-501
7 of the Illinois Vehicle Code or a similar provision of a
8 local ordinance and (ii) was operating a motor vehicle in
9 excess of 20 miles per hour over the posted speed limit as
10 provided in Article VI of Chapter 11 of the Illinois
11 Vehicle Code;

12 (21) the defendant (i) committed the offense of
13 reckless driving or aggravated reckless driving under
14 Section 11-503 of the Illinois Vehicle Code and (ii) was
15 operating a motor vehicle in excess of 20 miles per hour
16 over the posted speed limit as provided in Article VI of
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a
19 person that the defendant knew, or reasonably should have
20 known, was a member of the Armed Forces of the United
21 States serving on active duty. For purposes of this clause
22 (22), the term "Armed Forces" means any of the Armed Forces
23 of the United States, including a member of any reserve
24 component thereof or National Guard unit called to active
25 duty;

26 (23) the defendant committed the offense against a

1 person who was elderly, disabled, or infirm by taking
2 advantage of a family or fiduciary relationship with the
3 elderly, disabled, or infirm person;

4 (24) the defendant committed any offense under Section
5 11-20.1 of the Criminal Code of 1961 and possessed 100 or
6 more images;

7 (25) the defendant committed the offense while the
8 defendant or the victim was in a train, bus, or other
9 vehicle used for public transportation; ~~or~~

10 (26) the defendant committed the offense of child
11 pornography or aggravated child pornography, specifically
12 including paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) of Section 11-20.1 of the Criminal Code of
14 1961 where a child engaged in, solicited for, depicted in,
15 or posed in any act of sexual penetration or bound,
16 fettered, or subject to sadistic, masochistic, or
17 sadomasochistic abuse in a sexual context and specifically
18 including paragraph (1), (2), (3), (4), (5), or (7) of
19 subsection (a) of Section 11-20.3 of the Criminal Code of
20 1961 where a child engaged in, solicited for, depicted in,
21 or posed in any act of sexual penetration or bound,
22 fettered, or subject to sadistic, masochistic, or
23 sadomasochistic abuse in a sexual context; or

24 (27) the defendant committed the offense of first
25 degree murder, assault, aggravated assault, battery,
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the
2 defendant knew, or reasonably should have known, that the
3 person was a veteran performing duties as a representative
4 of a veterans' organization. For the purposes of this
5 paragraph (27), "veteran" means an Illinois resident who
6 has served as a member of the United States Armed Forces, a
7 member of the Illinois National Guard, or a member of the
8 United States Reserve Forces; and "veterans' organization"
9 means an organization comprised of members of which
10 substantially all are individuals who are veterans or
11 spouses, widows, or widowers of veterans, the primary
12 purpose of which is to promote the welfare of its members
13 and to provide assistance to the general public in such a
14 way as to confer a public benefit.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified
19 and licensed day care center as defined in Section 2.09 of the
20 Child Care Act of 1969 that displays a sign in plain view
21 stating that the property is a day care center.

22 "Public transportation" means the transportation or
23 conveyance of persons by means available to the general public,
24 and includes paratransit services.

25 (b) The following factors, related to all felonies, may be
26 considered by the court as reasons to impose an extended term

1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after
3 having been previously convicted in Illinois or any other
4 jurisdiction of the same or similar class felony or greater
5 class felony, when such conviction has occurred within 10
6 years after the previous conviction, excluding time spent
7 in custody, and such charges are separately brought and
8 tried and arise out of different series of acts; or

9 (2) When a defendant is convicted of any felony and the
10 court finds that the offense was accompanied by
11 exceptionally brutal or heinous behavior indicative of
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony
14 committed against:

15 (i) a person under 12 years of age at the time of
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time
18 of the offense or such person's property; or

19 (iii) a person physically handicapped at the time
20 of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and the
22 offense involved any of the following types of specific
23 misconduct committed as part of a ceremony, rite,
24 initiation, observance, performance, practice or activity
25 of any actual or ostensible religious, fraternal, or social
26 group:

1 (i) the brutalizing or torturing of humans or
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,
6 fraternal, business, governmental, educational, or
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other
10 than conspiracy and the court finds that the felony was
11 committed under an agreement with 2 or more other persons
12 to commit that offense and the defendant, with respect to
13 the other individuals, occupied a position of organizer,
14 supervisor, financier, or any other position of management
15 or leadership, and the court further finds that the felony
16 committed was related to or in furtherance of the criminal
17 activities of an organized gang or was motivated by the
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense
20 committed while using a firearm with a laser sight attached
21 to it. For purposes of this paragraph, "laser sight" has
22 the meaning ascribed to it in Section 24.6-5 of the
23 Criminal Code of 1961; or

24 (7) When a defendant who was at least 17 years of age
25 at the time of the commission of the offense is convicted
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for
2 an act that if committed by an adult would be a Class X or
3 Class 1 felony when the conviction has occurred within 10
4 years after the previous adjudication, excluding time
5 spent in custody; or

6 (8) When a defendant commits any felony and the
7 defendant used, possessed, exercised control over, or
8 otherwise directed an animal to assault a law enforcement
9 officer engaged in the execution of his or her official
10 duties or in furtherance of the criminal activities of an
11 organized gang in which the defendant is engaged.

12 (c) The following factors may be considered by the court as
13 reasons to impose an extended term sentence under Section 5-8-2
14 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

15 (1) When a defendant is convicted of first degree
16 murder, after having been previously convicted in Illinois
17 of any offense listed under paragraph (c)(2) of Section
18 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
19 within 10 years after the previous conviction, excluding
20 time spent in custody, and the charges are separately
21 brought and tried and arise out of different series of
22 acts.

23 (1.5) When a defendant is convicted of first degree
24 murder, after having been previously convicted of domestic
25 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
26 (720 ILCS 5/12-3.3) committed on the same victim or after

1 having been previously convicted of violation of an order
2 of protection (720 ILCS 5/12-30) in which the same victim
3 was the protected person.

4 (2) When a defendant is convicted of voluntary
5 manslaughter, second degree murder, involuntary
6 manslaughter, or reckless homicide in which the defendant
7 has been convicted of causing the death of more than one
8 individual.

9 (3) When a defendant is convicted of aggravated
10 criminal sexual assault or criminal sexual assault, when
11 there is a finding that aggravated criminal sexual assault
12 or criminal sexual assault was also committed on the same
13 victim by one or more other individuals, and the defendant
14 voluntarily participated in the crime with the knowledge of
15 the participation of the others in the crime, and the
16 commission of the crime was part of a single course of
17 conduct during which there was no substantial change in the
18 nature of the criminal objective.

19 (4) If the victim was under 18 years of age at the time
20 of the commission of the offense, when a defendant is
21 convicted of aggravated criminal sexual assault or
22 predatory criminal sexual assault of a child under
23 subsection (a)(1) of Section 12-14.1 of the Criminal Code
24 of 1961 (720 ILCS 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation
26 of Section 24-1 of the Criminal Code of 1961 (720 ILCS

1 5/24-1) and there is a finding that the defendant is a
2 member of an organized gang.

3 (6) When a defendant was convicted of unlawful use of
4 weapons under Section 24-1 of the Criminal Code of 1961
5 (720 ILCS 5/24-1) for possessing a weapon that is not
6 readily distinguishable as one of the weapons enumerated in
7 Section 24-1 of the Criminal Code of 1961 (720 ILCS
8 5/24-1).

9 (7) When a defendant is convicted of an offense
10 involving the illegal manufacture of a controlled
11 substance under Section 401 of the Illinois Controlled
12 Substances Act (720 ILCS 570/401), the illegal manufacture
13 of methamphetamine under Section 25 of the Methamphetamine
14 Control and Community Protection Act (720 ILCS 646/25), or
15 the illegal possession of explosives and an emergency
16 response officer in the performance of his or her duties is
17 killed or injured at the scene of the offense while
18 responding to the emergency caused by the commission of the
19 offense. In this paragraph, "emergency" means a situation
20 in which a person's life, health, or safety is in jeopardy;
21 and "emergency response officer" means a peace officer,
22 community policing volunteer, fireman, emergency medical
23 technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, other medical
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (d) For the purposes of this Section, "organized gang" has
3 the meaning ascribed to it in Section 10 of the Illinois
4 Streetgang Terrorism Omnibus Prevention Act.

5 (e) The court may impose an extended term sentence under
6 Article 4.5 of Chapter V upon an offender who has been
7 convicted of a felony violation of Section 12-13, 12-14,
8 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
9 victim of the offense is under 18 years of age at the time of
10 the commission of the offense and, during the commission of the
11 offense, the victim was under the influence of alcohol,
12 regardless of whether or not the alcohol was supplied by the
13 offender; and the offender, at the time of the commission of
14 the offense, knew or should have known that the victim had
15 consumed alcohol.

16 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
17 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
18 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
19 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff.
20 7-2-10; 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390,
21 eff. 1-1-11; revised 9-16-10.)

22 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

23 Sec. 5-8-4. Concurrent and consecutive terms of
24 imprisonment.

25 (a) Concurrent terms; multiple or additional sentences.

1 When an Illinois court (i) imposes multiple sentences of
2 imprisonment on a defendant at the same time or (ii) imposes a
3 sentence of imprisonment on a defendant who is already subject
4 to a sentence of imprisonment imposed by an Illinois court, a
5 court of another state, or a federal court, then the sentences
6 shall run concurrently unless otherwise determined by the
7 Illinois court under this Section.

8 (b) Concurrent terms; misdemeanor and felony. A defendant
9 serving a sentence for a misdemeanor who is convicted of a
10 felony and sentenced to imprisonment shall be transferred to
11 the Department of Corrections, and the misdemeanor sentence
12 shall be merged in and run concurrently with the felony
13 sentence.

14 (c) Consecutive terms; permissive. The court may impose
15 consecutive sentences in any of the following circumstances:

16 (1) If, having regard to the nature and circumstances
17 of the offense and the history and character of the
18 defendant, it is the opinion of the court that consecutive
19 sentences are required to protect the public from further
20 criminal conduct by the defendant, the basis for which the
21 court shall set forth in the record.

22 (2) If one of the offenses for which a defendant was
23 convicted was a violation of Section 32-5.2 (aggravated
24 false personation of a peace officer) of the Criminal Code
25 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
26 in attempting or committing a forcible felony.

1 (d) Consecutive terms; mandatory. The court shall impose
2 consecutive sentences in each of the following circumstances:

3 (1) One of the offenses for which the defendant was
4 convicted was first degree murder or a Class X or Class 1
5 felony and the defendant inflicted severe bodily injury.

6 (2) The defendant was convicted of a violation of
7 Section 12-13 (criminal sexual assault), 12-14 (aggravated
8 criminal sexual assault), or 12-14.1 (predatory criminal
9 sexual assault of a child) of the Criminal Code of 1961
10 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

11 (3) The defendant was convicted of armed violence based
12 upon the predicate offense of any of the following:
13 solicitation of murder, solicitation of murder for hire,
14 heinous battery as described in Section 12-4.1 or
15 subdivision (a)(2) of Section 12-3.05, aggravated battery
16 of a senior citizen as described in Section 12-4.6 or
17 subdivision (a)(4) of Section 12-3.05, criminal sexual
18 assault, a violation of subsection (g) of Section 5 of the
19 Cannabis Control Act (720 ILCS 550/5), cannabis
20 trafficking, a violation of subsection (a) of Section 401
21 of the Illinois Controlled Substances Act (720 ILCS
22 570/401), controlled substance trafficking involving a
23 Class X felony amount of controlled substance under Section
24 401 of the Illinois Controlled Substances Act (720 ILCS
25 570/401), a violation of the Methamphetamine Control and
26 Community Protection Act (720 ILCS 646/), calculated

1 criminal drug conspiracy, or streetgang criminal drug
2 conspiracy.

3 (4) The defendant was convicted of the offense of
4 leaving the scene of a motor vehicle accident involving
5 death or personal injuries under Section 11-401 of the
6 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof under Section 11-501 of the
10 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
11 homicide under Section 9-3 of the Criminal Code of 1961
12 (720 ILCS 5/9-3), or (C) both an offense described in item
13 (A) and an offense described in item (B).

14 (5) The defendant was convicted of a violation of
15 Section 9-3.1 (concealment of homicidal death) or Section
16 12-20.5 (dismembering a human body) of the Criminal Code of
17 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

18 (5.5) The defendant was convicted of a violation of
19 Section 24-3.7 (use of a stolen firearm in the commission
20 of an offense) of the Criminal Code of 1961.

21 (6) If the defendant was in the custody of the
22 Department of Corrections at the time of the commission of
23 the offense, the sentence shall be served consecutive to
24 the sentence under which the defendant is held by the
25 Department of Corrections. If, however, the defendant is
26 sentenced to punishment by death, the sentence shall be

1 executed at such time as the court may fix without regard
2 to the sentence under which the defendant may be held by
3 the Department.

4 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
5 for escape or attempted escape shall be served consecutive
6 to the terms under which the offender is held by the
7 Department of Corrections.

8 (8) If a person charged with a felony commits a
9 separate felony while on pretrial release or in pretrial
10 detention in a county jail facility or county detention
11 facility, then the sentences imposed upon conviction of
12 these felonies shall be served consecutively regardless of
13 the order in which the judgments of conviction are entered.

14 (8.5) If a person commits a battery against a county
15 correctional officer or sheriff's employee while serving a
16 sentence or in pretrial detention in a county jail
17 facility, then the sentence imposed upon conviction of the
18 battery shall be served consecutively with the sentence
19 imposed upon conviction of the earlier misdemeanor or
20 felony, regardless of the order in which the judgments of
21 conviction are entered.

22 (9) If a person admitted to bail following conviction
23 of a felony commits a separate felony while free on bond or
24 if a person detained in a county jail facility or county
25 detention facility following conviction of a felony
26 commits a separate felony while in detention, then any

1 sentence following conviction of the separate felony shall
2 be consecutive to that of the original sentence for which
3 the defendant was on bond or detained.

4 (10) If a person is found to be in possession of an
5 item of contraband, as defined in clause (c)(2) of Section
6 31A-1.1 of the Criminal Code of 1961, while serving a
7 sentence in a county jail or while in pre-trial detention
8 in a county jail, the sentence imposed upon conviction for
9 the offense of possessing contraband in a penal institution
10 shall be served consecutively to the sentence imposed for
11 the offense in which the person is serving sentence in the
12 county jail or serving pretrial detention, regardless of
13 the order in which the judgments of conviction are entered.

14 (11) If a person is sentenced for a violation of bail
15 bond under Section 32-10 of the Criminal Code of 1961, any
16 sentence imposed for that violation shall be served
17 consecutive to the sentence imposed for the charge for
18 which bail had been granted and with respect to which the
19 defendant has been convicted.

20 (e) Consecutive terms; subsequent non-Illinois term. If an
21 Illinois court has imposed a sentence of imprisonment on a
22 defendant and the defendant is subsequently sentenced to a term
23 of imprisonment by a court of another state or a federal court,
24 then the Illinois sentence shall run consecutively to the
25 sentence imposed by the court of the other state or the federal
26 court. That same Illinois court, however, may order that the

1 Illinois sentence run concurrently with the sentence imposed by
2 the court of the other state or the federal court, but only if
3 the defendant applies to that same Illinois court within 30
4 days after the sentence imposed by the court of the other state
5 or the federal court is finalized.

6 (f) Consecutive terms; aggregate maximums and minimums.
7 The aggregate maximum and aggregate minimum of consecutive
8 sentences shall be determined as follows:

9 (1) For sentences imposed under law in effect prior to
10 February 1, 1978, the aggregate maximum of consecutive
11 sentences shall not exceed the maximum term authorized
12 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
13 Chapter V for the 2 most serious felonies involved. The
14 aggregate minimum period of consecutive sentences shall
15 not exceed the highest minimum term authorized under
16 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
17 V for the 2 most serious felonies involved. When sentenced
18 only for misdemeanors, a defendant shall not be
19 consecutively sentenced to more than the maximum for one
20 Class A misdemeanor.

21 (2) For sentences imposed under the law in effect on or
22 after February 1, 1978, the aggregate of consecutive
23 sentences for offenses that were committed as part of a
24 single course of conduct during which there was no
25 substantial change in the nature of the criminal objective
26 shall not exceed the sum of the maximum terms authorized

1 under Article 4.5 of Chapter V for the 2 most serious
2 felonies involved, but no such limitation shall apply for
3 offenses that were not committed as part of a single course
4 of conduct during which there was no substantial change in
5 the nature of the criminal objective. When sentenced only
6 for misdemeanors, a defendant shall not be consecutively
7 sentenced to more than the maximum for one Class A
8 misdemeanor.

9 (g) Consecutive terms; manner served. In determining the
10 manner in which consecutive sentences of imprisonment, one or
11 more of which is for a felony, will be served, the Department
12 of Corrections shall treat the defendant as though he or she
13 had been committed for a single term subject to each of the
14 following:

15 (1) The maximum period of a term of imprisonment shall
16 consist of the aggregate of the maximums of the imposed
17 indeterminate terms, if any, plus the aggregate of the
18 imposed determinate sentences for felonies, plus the
19 aggregate of the imposed determinate sentences for
20 misdemeanors, subject to subsection (f) of this Section.

21 (2) The parole or mandatory supervised release term
22 shall be as provided in paragraph (e) of Section 5-4.5-50
23 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
24 involved.

25 (3) The minimum period of imprisonment shall be the
26 aggregate of the minimum and determinate periods of

1 imprisonment imposed by the court, subject to subsection
2 (f) of this Section.

3 (4) The defendant shall be awarded credit against the
4 aggregate maximum term and the aggregate minimum term of
5 imprisonment for all time served in an institution since
6 the commission of the offense or offenses and as a
7 consequence thereof at the rate specified in Section 3-6-3
8 (730 ILCS 5/3-6-3).

9 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;
10 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.
11 7-2-10; 96-1200, eff. 7-22-10.)

12 (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)
13 Sec. 5-8A-2. Definitions. As used in this Article:

14 (A) "Approved electronic monitoring device" means a device
15 approved by the supervising authority which is primarily
16 intended to record or transmit information as to the
17 defendant's presence or nonpresence in the home.

18 An approved electronic monitoring device may record or
19 transmit: oral or wire communications or an auditory sound;
20 visual images; or information regarding the offender's
21 activities while inside the offender's home. These devices are
22 subject to the required consent as set forth in Section 5-8A-5
23 of this Article.

24 An approved electronic monitoring device may be used to
25 record a conversation between the participant and the

1 monitoring device, or the participant and the person
2 supervising the participant solely for the purpose of
3 identification and not for the purpose of eavesdropping or
4 conducting any other illegally intrusive monitoring.

5 (B) "Excluded offenses" means first degree murder, escape,
6 predatory criminal sexual assault of a child, aggravated
7 criminal sexual assault, criminal sexual assault, aggravated
8 battery with a firearm as described in Section 12-4.2 or
9 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section
10 12-3.05, bringing or possessing a firearm, ammunition or
11 explosive in a penal institution, any "Super-X" drug offense or
12 calculated criminal drug conspiracy or streetgang criminal
13 drug conspiracy, or any predecessor or successor offenses with
14 the same or substantially the same elements, or any inchoate
15 offenses relating to the foregoing offenses.

16 (C) "Home detention" means the confinement of a person
17 convicted or charged with an offense to his or her place of
18 residence under the terms and conditions established by the
19 supervising authority.

20 (D) "Participant" means an inmate or offender placed into
21 an electronic monitoring program.

22 (E) "Supervising authority" means the Department of
23 Corrections, probation supervisory authority, sheriff,
24 superintendent of municipal house of corrections or any other
25 officer or agency charged with authorizing and supervising home
26 detention.

1 (F) "Super-X drug offense" means a violation of Section
2 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);
3 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),
4 (C), or (D) of the Illinois Controlled Substances Act.

5 (Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff.
6 5-29-96; 89-498, eff. 6-27-96.)

7 (730 ILCS 5/5-9-1.16)

8 Sec. 5-9-1.16. Protective order violation fees.

9 (a) There shall be added to every penalty imposed in
10 sentencing for a violation of an order of protection under
11 Section 12-3.4 or 12-30 of the Criminal Code of 1961 an
12 additional fee to be set in an amount not less than \$200 to be
13 imposed upon a plea of guilty or finding of guilty resulting in
14 a judgment of conviction.

15 (b) Such additional amount shall be assessed by the court
16 imposing sentence and shall be collected by the Circuit Clerk
17 in addition to the fine, if any, and costs in the case to be
18 used by the supervising authority in implementing the domestic
19 violence surveillance program. The clerk of the circuit court
20 shall pay all monies collected from this fee to the county
21 treasurer for deposit in the probation and court services fund
22 under Section 15.1 of the Probation and Probations Officers
23 Act.

24 (c) The supervising authority of a domestic violence
25 surveillance program under Section 5-8A-7 of this Act shall

1 assess a person either convicted of, or charged with, the
2 violation of an order of protection an additional fee to cover
3 the costs of providing the equipment used and the additional
4 supervision needed for such domestic violence surveillance
5 program. If the court finds that the fee would impose an undue
6 burden on the victim, the court may reduce or waive the fee.
7 The court shall order that the defendant may not use funds
8 belonging solely to the victim of the offense for payment of
9 the fee.

10 When the supervising authority is the court or the
11 probation and court services department, the fee shall be
12 collected by the circuit court clerk. The clerk of the circuit
13 court shall pay all monies collected from this fee and all
14 other required probation fees that are assessed to the county
15 treasurer for deposit in the probation and court services fund
16 under Section 15.1 of the Probation and Probations Officers
17 Act. In counties with a population of 2 million or more, when
18 the supervising authority is the court or the probation and
19 court services department, the fee shall be collected by the
20 supervising authority. In these counties, the supervising
21 authority shall pay all monies collected from this fee and all
22 other required probation fees that are assessed, to the county
23 treasurer for deposit in the probation and court services fund
24 under Section 15.1 of the Probation and Probation Officers Act.

25 When the supervising authority is the Department of
26 Corrections, the Department shall collect the fee for deposit

1 into the Illinois Department of Corrections "fund". The Circuit
2 Clerk shall retain 10% of such penalty and deposit that
3 percentage into the Circuit Court Clerk Operation and
4 Administrative Fund to cover the costs incurred in
5 administering and enforcing this Section.

6 (d) (Blank).

7 (e) (Blank).

8 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

9 Section 975. The Secure Residential Youth Care Facility
10 Licensing Act is amended by changing Section 45-30 as follows:

11 (730 ILCS 175/45-30)

12 Sec. 45-30. License or employment eligibility.

13 (a) No applicant may receive a license from the Department
14 and no person may be employed by a licensed facility who
15 refuses to authorize an investigation as required by Section
16 45-25.

17 (b) No applicant may receive a license from the Department
18 and no person may be employed by a secure residential youth
19 care facility licensed by the Department who has been declared
20 a sexually dangerous person under the Sexually Dangerous
21 Persons Act or convicted of committing or attempting to commit
22 any of the following offenses under the Criminal Code of 1961:

23 (1) First degree murder.

24 (2) A sex offense under Article 11, except offenses

1 described in Sections 11-7, 11-8, 11-12, 11-13 and 11-18.

2 (3) Kidnapping.

3 (4) Aggravated kidnapping.

4 (5) Child abduction.

5 (6) Aggravated battery of a child as described in
6 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

7 (7) Criminal sexual assault.

8 (8) Aggravated criminal sexual assault.

9 (8.1) Predatory criminal sexual assault of a child.

10 (9) Criminal sexual abuse.

11 (10) Aggravated criminal sexual abuse.

12 (11) A federal offense or an offense in any other state
13 the elements of which are similar to any of the foregoing
14 offenses.

15 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;
16 89-462, eff. 5-29-96.)

17 Section 980. The Crime Victims Compensation Act is amended
18 by changing Section 2 as follows:

19 (740 ILCS 45/2) (from Ch. 70, par. 72)

20 Sec. 2. Definitions. As used in this Act, unless the
21 context otherwise requires:

22 (a) "Applicant" means any person who applies for
23 compensation under this Act or any person the Court of Claims
24 finds is entitled to compensation, including the guardian of a

1 minor or of a person under legal disability. It includes any
2 person who was a dependent of a deceased victim of a crime of
3 violence for his or her support at the time of the death of
4 that victim.

5 (b) "Court of Claims" means the Court of Claims created by
6 the Court of Claims Act.

7 (c) "Crime of violence" means and includes any offense
8 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,
9 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4, 12-4,
10 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
11 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
12 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), of
13 the Criminal Code of 1961, Sections 1(a) and 1(a-5) of the
14 Cemetery Protection Act, driving under the influence of
15 intoxicating liquor or narcotic drugs as defined in Section
16 11-501 of the Illinois Vehicle Code, and a violation of Section
17 11-401 of the Illinois Vehicle Code, provided the victim was a
18 pedestrian or was operating a vehicle moved solely by human
19 power or a mobility device at the time of contact; so long as
20 the offense did not occur during a civil riot, insurrection or
21 rebellion. "Crime of violence" does not include any other
22 offense or accident involving a motor vehicle except those
23 vehicle offenses specifically provided for in this paragraph.
24 "Crime of violence" does include all of the offenses
25 specifically provided for in this paragraph that occur within
26 this State but are subject to federal jurisdiction and crimes

1 involving terrorism as defined in 18 U.S.C. 2331.

2 (d) "Victim" means (1) a person killed or injured in this
3 State as a result of a crime of violence perpetrated or
4 attempted against him or her, (2) the parent of a person killed
5 or injured in this State as a result of a crime of violence
6 perpetrated or attempted against the person, (3) a person
7 killed or injured in this State while attempting to assist a
8 person against whom a crime of violence is being perpetrated or
9 attempted, if that attempt of assistance would be expected of a
10 reasonable person under the circumstances, (4) a person killed
11 or injured in this State while assisting a law enforcement
12 official apprehend a person who has perpetrated a crime of
13 violence or prevent the perpetration of any such crime if that
14 assistance was in response to the express request of the law
15 enforcement official, (5) a person who personally witnessed a
16 violent crime, (5.1) solely for the purpose of compensating for
17 pecuniary loss incurred for psychological treatment of a mental
18 or emotional condition caused or aggravated by the crime, any
19 other person under the age of 18 who is the brother, sister,
20 half brother, half sister, child, or stepchild of a person
21 killed or injured in this State as a result of a crime of
22 violence, (6) an Illinois resident who is a victim of a "crime
23 of violence" as defined in this Act except, if the crime
24 occurred outside this State, the resident has the same rights
25 under this Act as if the crime had occurred in this State upon
26 a showing that the state, territory, country, or political

1 subdivision of a country in which the crime occurred does not
2 have a compensation of victims of crimes law for which that
3 Illinois resident is eligible, (7) a deceased person whose body
4 is dismembered or whose remains are desecrated as the result of
5 a crime of violence, or (8) solely for the purpose of
6 compensating for pecuniary loss incurred for psychological
7 treatment of a mental or emotional condition caused or
8 aggravated by the crime, any parent, spouse, or child under the
9 age of 18 of a deceased person whose body is dismembered or
10 whose remains are desecrated as the result of a crime of
11 violence.

12 (e) "Dependent" means a relative of a deceased victim who
13 was wholly or partially dependent upon the victim's income at
14 the time of his or her death and shall include the child of a
15 victim born after his or her death.

16 (f) "Relative" means a spouse, parent, grandparent,
17 stepfather, stepmother, child, grandchild, brother,
18 brother-in-law, sister, sister-in-law, half brother, half
19 sister, spouse's parent, nephew, niece, uncle or aunt.

20 (g) "Child" means an unmarried son or daughter who is under
21 18 years of age and includes a stepchild, an adopted child or a
22 child born out of wedlock.

23 (h) "Pecuniary loss" means, in the case of injury,
24 appropriate medical expenses and hospital expenses including
25 expenses of medical examinations, rehabilitation, medically
26 required nursing care expenses, appropriate psychiatric care

1 or psychiatric counseling expenses, expenses for care or
2 counseling by a licensed clinical psychologist, licensed
3 clinical social worker, or licensed clinical professional
4 counselor and expenses for treatment by Christian Science
5 practitioners and nursing care appropriate thereto;
6 transportation expenses to and from medical and treatment
7 facilities; prosthetic appliances, eyeglasses, and hearing
8 aids necessary or damaged as a result of the crime; replacement
9 costs for clothing and bedding used as evidence; costs
10 associated with temporary lodging or relocation necessary as a
11 result of the crime, including, but not limited to, the first
12 month's rent and security deposit of the dwelling that the
13 claimant relocated to and other reasonable relocation expenses
14 incurred as a result of the violent crime; locks or windows
15 necessary or damaged as a result of the crime; the purchase,
16 lease, or rental of equipment necessary to create usability of
17 and accessibility to the victim's real and personal property,
18 or the real and personal property which is used by the victim,
19 necessary as a result of the crime; the costs of appropriate
20 crime scene clean-up; replacement services loss, to a maximum
21 of \$1000 per month; dependents replacement services loss, to a
22 maximum of \$1000 per month; loss of tuition paid to attend
23 grammar school or high school when the victim had been enrolled
24 as a student prior to the injury, or college or graduate school
25 when the victim had been enrolled as a day or night student
26 prior to the injury when the victim becomes unable to continue

1 attendance at school as a result of the crime of violence
2 perpetrated against him or her; loss of earnings, loss of
3 future earnings because of disability resulting from the
4 injury, and, in addition, in the case of death, expenses for
5 funeral, burial, and travel and transport for survivors of
6 homicide victims to secure bodies of deceased victims and to
7 transport bodies for burial all of which may not exceed a
8 maximum of \$5,000 and loss of support of the dependents of the
9 victim; in the case of dismemberment or desecration of a body,
10 expenses for funeral and burial, all of which may not exceed a
11 maximum of \$5,000. Loss of future earnings shall be reduced by
12 any income from substitute work actually performed by the
13 victim or by income he or she would have earned in available
14 appropriate substitute work he or she was capable of performing
15 but unreasonably failed to undertake. Loss of earnings, loss of
16 future earnings and loss of support shall be determined on the
17 basis of the victim's average net monthly earnings for the 6
18 months immediately preceding the date of the injury or on \$1000
19 per month, whichever is less. If a divorced or legally
20 separated applicant is claiming loss of support for a minor
21 child of the deceased, the amount of support for each child
22 shall be based either on the amount of support pursuant to the
23 judgment prior to the date of the deceased victim's injury or
24 death, or, if the subject of pending litigation filed by or on
25 behalf of the divorced or legally separated applicant prior to
26 the injury or death, on the result of that litigation. Real and

1 personal property includes, but is not limited to, vehicles,
2 houses, apartments, town houses, or condominiums. Pecuniary
3 loss does not include pain and suffering or property loss or
4 damage.

5 (i) "Replacement services loss" means expenses reasonably
6 incurred in obtaining ordinary and necessary services in lieu
7 of those the injured person would have performed, not for
8 income, but for the benefit of himself or herself or his or her
9 family, if he or she had not been injured.

10 (j) "Dependents replacement services loss" means loss
11 reasonably incurred by dependents or private legal guardians of
12 minor dependents after a victim's death in obtaining ordinary
13 and necessary services in lieu of those the victim would have
14 performed, not for income, but for their benefit, if he or she
15 had not been fatally injured.

16 (k) "Survivor" means immediate family including a parent,
17 step-father, step-mother, child, brother, sister, or spouse.

18 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

19 Section 985. The Illinois Marriage and Dissolution of
20 Marriage Act is amended by changing Section 503 as follows:

21 (750 ILCS 5/503) (from Ch. 40, par. 503)

22 Sec. 503. Disposition of property.

23 (a) For purposes of this Act, "marital property" means all
24 property acquired by either spouse subsequent to the marriage,

1 except the following, which is known as "non-marital property":

2 (1) property acquired by gift, legacy or descent;

3 (2) property acquired in exchange for property
4 acquired before the marriage or in exchange for property
5 acquired by gift, legacy or descent;

6 (3) property acquired by a spouse after a judgment of
7 legal separation;

8 (4) property excluded by valid agreement of the
9 parties;

10 (5) any judgment or property obtained by judgment
11 awarded to a spouse from the other spouse;

12 (6) property acquired before the marriage;

13 (7) the increase in value of property acquired by a
14 method listed in paragraphs (1) through (6) of this
15 subsection, irrespective of whether the increase results
16 from a contribution of marital property, non-marital
17 property, the personal effort of a spouse, or otherwise,
18 subject to the right of reimbursement provided in
19 subsection (c) of this Section; and

20 (8) income from property acquired by a method listed in
21 paragraphs (1) through (7) of this subsection if the income
22 is not attributable to the personal effort of a spouse.

23 (b) (1) For purposes of distribution of property pursuant to
24 this Section, all property acquired by either spouse after the
25 marriage and before a judgment of dissolution of marriage or
26 declaration of invalidity of marriage, including non-marital

1 property transferred into some form of co-ownership between the
2 spouses, is presumed to be marital property, regardless of
3 whether title is held individually or by the spouses in some
4 form of co-ownership such as joint tenancy, tenancy in common,
5 tenancy by the entirety, or community property. The presumption
6 of marital property is overcome by a showing that the property
7 was acquired by a method listed in subsection (a) of this
8 Section.

9 (2) For purposes of distribution of property pursuant to
10 this Section, all pension benefits (including pension benefits
11 under the Illinois Pension Code) acquired by either spouse
12 after the marriage and before a judgment of dissolution of
13 marriage or declaration of invalidity of the marriage are
14 presumed to be marital property, regardless of which spouse
15 participates in the pension plan. The presumption that these
16 pension benefits are marital property is overcome by a showing
17 that the pension benefits were acquired by a method listed in
18 subsection (a) of this Section. The right to a division of
19 pension benefits in just proportions under this Section is
20 enforceable under Section 1-119 of the Illinois Pension Code.

21 The value of pension benefits in a retirement system
22 subject to the Illinois Pension Code shall be determined in
23 accordance with the valuation procedures established by the
24 retirement system.

25 The recognition of pension benefits as marital property and
26 the division of those benefits pursuant to a Qualified Illinois

1 Domestic Relations Order shall not be deemed to be a
2 diminishment, alienation, or impairment of those benefits. The
3 division of pension benefits is an allocation of property in
4 which each spouse has a species of common ownership.

5 (3) For purposes of distribution of property under this
6 Section, all stock options granted to either spouse after the
7 marriage and before a judgment of dissolution of marriage or
8 declaration of invalidity of marriage, whether vested or
9 non-vested or whether their value is ascertainable, are
10 presumed to be marital property. This presumption of marital
11 property is overcome by a showing that the stock options were
12 acquired by a method listed in subsection (a) of this Section.
13 The court shall allocate stock options between the parties at
14 the time of the judgment of dissolution of marriage or
15 declaration of invalidity of marriage recognizing that the
16 value of the stock options may not be then determinable and
17 that the actual division of the options may not occur until a
18 future date. In making the allocation between the parties, the
19 court shall consider, in addition to the factors set forth in
20 subsection (d) of this Section, the following:

21 (i) All circumstances underlying the grant of the stock
22 option including but not limited to whether the grant was
23 for past, present, or future efforts, or any combination
24 thereof.

25 (ii) The length of time from the grant of the option to
26 the time the option is exercisable.

1 (c) Commingled marital and non-marital property shall be
2 treated in the following manner, unless otherwise agreed by the
3 spouses:

4 (1) When marital and non-marital property are
5 commingled by contributing one estate of property into
6 another resulting in a loss of identity of the contributed
7 property, the classification of the contributed property
8 is transmuted to the estate receiving the contribution,
9 subject to the provisions of paragraph (2) of this
10 subsection; provided that if marital and non-marital
11 property are commingled into newly acquired property
12 resulting in a loss of identity of the contributing
13 estates, the commingled property shall be deemed
14 transmuted to marital property, subject to the provisions
15 of paragraph (2) of this subsection.

16 (2) When one estate of property makes a contribution to
17 another estate of property, or when a spouse contributes
18 personal effort to non-marital property, the contributing
19 estate shall be reimbursed from the estate receiving the
20 contribution notwithstanding any transmutation; provided,
21 that no such reimbursement shall be made with respect to a
22 contribution which is not retraceable by clear and
23 convincing evidence, or was a gift, or, in the case of a
24 contribution of personal effort of a spouse to non-marital
25 property, unless the effort is significant and results in
26 substantial appreciation of the non-marital property.

1 Personal effort of a spouse shall be deemed a contribution
2 by the marital estate. The court may provide for
3 reimbursement out of the marital property to be divided or
4 by imposing a lien against the non-marital property which
5 received the contribution.

6 (d) In a proceeding for dissolution of marriage or
7 declaration of invalidity of marriage, or in a proceeding for
8 disposition of property following dissolution of marriage by a
9 court which lacked personal jurisdiction over the absent spouse
10 or lacked jurisdiction to dispose of the property, the court
11 shall assign each spouse's non-marital property to that spouse.
12 It also shall divide the marital property without regard to
13 marital misconduct in just proportions considering all
14 relevant factors, including:

15 (1) the contribution of each party to the acquisition,
16 preservation, or increase or decrease in value of the
17 marital or non-marital property, including (i) any such
18 decrease attributable to a payment deemed to have been an
19 advance from the parties' marital estate under subsection
20 (c-1)(2) of Section 501 and (ii) the contribution of a
21 spouse as a homemaker or to the family unit;

22 (2) the dissipation by each party of the marital or
23 non-marital property;

24 (3) the value of the property assigned to each spouse;

25 (4) the duration of the marriage;

26 (5) the relevant economic circumstances of each spouse

1 when the division of property is to become effective,
2 including the desirability of awarding the family home, or
3 the right to live therein for reasonable periods, to the
4 spouse having custody of the children;

5 (6) any obligations and rights arising from a prior
6 marriage of either party;

7 (7) any antenuptial agreement of the parties;

8 (8) the age, health, station, occupation, amount and
9 sources of income, vocational skills, employability,
10 estate, liabilities, and needs of each of the parties;

11 (9) the custodial provisions for any children;

12 (10) whether the apportionment is in lieu of or in
13 addition to maintenance;

14 (11) the reasonable opportunity of each spouse for
15 future acquisition of capital assets and income; and

16 (12) the tax consequences of the property division upon
17 the respective economic circumstances of the parties.

18 (e) Each spouse has a species of common ownership in the
19 marital property which vests at the time dissolution
20 proceedings are commenced and continues only during the
21 pendency of the action. Any such interest in marital property
22 shall not encumber that property so as to restrict its
23 transfer, assignment or conveyance by the title holder unless
24 such title holder is specifically enjoined from making such
25 transfer, assignment or conveyance.

26 (f) In a proceeding for dissolution of marriage or

1 declaration of invalidity of marriage or in a proceeding for
2 disposition of property following dissolution of marriage by a
3 court that lacked personal jurisdiction over the absent spouse
4 or lacked jurisdiction to dispose of the property, the court,
5 in determining the value of the marital and non-marital
6 property for purposes of dividing the property, shall value the
7 property as of the date of trial or some other date as close to
8 the date of trial as is practicable.

9 (g) The court if necessary to protect and promote the best
10 interests of the children may set aside a portion of the
11 jointly or separately held estates of the parties in a separate
12 fund or trust for the support, maintenance, education, physical
13 and mental health, and general welfare of any minor, dependent,
14 or incompetent child of the parties. In making a determination
15 under this subsection, the court may consider, among other
16 things, the conviction of a party of any of the offenses set
17 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,
18 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for
19 subdivision (a)(4) or (g)(1), of the Criminal Code of 1961 if
20 the victim is a child of one or both of the parties, and there
21 is a need for, and cost of, care, healing and counseling for
22 the child who is the victim of the crime.

23 (h) Unless specifically directed by a reviewing court, or
24 upon good cause shown, the court shall not on remand consider
25 any increase or decrease in the value of any "marital" or
26 "non-marital" property occurring since the assessment of such

1 property at the original trial or hearing, but shall use only
2 that assessment made at the original trial or hearing.

3 (i) The court may make such judgments affecting the marital
4 property as may be just and may enforce such judgments by
5 ordering a sale of marital property, with proceeds therefrom to
6 be applied as determined by the court.

7 (j) After proofs have closed in the final hearing on all
8 other issues between the parties (or in conjunction with the
9 final hearing, if all parties so stipulate) and before judgment
10 is entered, a party's petition for contribution to fees and
11 costs incurred in the proceeding shall be heard and decided, in
12 accordance with the following provisions:

13 (1) A petition for contribution, if not filed before
14 the final hearing on other issues between the parties,
15 shall be filed no later than 30 days after the closing of
16 proofs in the final hearing or within such other period as
17 the court orders.

18 (2) Any award of contribution to one party from the
19 other party shall be based on the criteria for division of
20 marital property under this Section 503 and, if maintenance
21 has been awarded, on the criteria for an award of
22 maintenance under Section 504.

23 (3) The filing of a petition for contribution shall not
24 be deemed to constitute a waiver of the attorney-client
25 privilege between the petitioning party and current or
26 former counsel; and such a waiver shall not constitute a

1 prerequisite to a hearing for contribution. If either
2 party's presentation on contribution, however, includes
3 evidence within the scope of the attorney-client
4 privilege, the disclosure or disclosures shall be narrowly
5 construed and shall not be deemed by the court to
6 constitute a general waiver of the privilege as to matters
7 beyond the scope of the presentation.

8 (4) No finding on which a contribution award is based
9 or denied shall be asserted against counsel or former
10 counsel for purposes of any hearing under subsection (c) or
11 (e) of Section 508.

12 (5) A contribution award (payable to either the
13 petitioning party or the party's counsel, or jointly, as
14 the court determines) may be in the form of either a set
15 dollar amount or a percentage of fees and costs (or a
16 portion of fees and costs) to be subsequently agreed upon
17 by the petitioning party and counsel or, alternatively,
18 thereafter determined in a hearing pursuant to subsection
19 (c) of Section 508 or previously or thereafter determined
20 in an independent proceeding under subsection (e) of
21 Section 508.

22 (6) The changes to this Section 503 made by this
23 amendatory Act of 1996 apply to cases pending on or after
24 June 1, 1997, except as otherwise provided in Section 508.

25 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

1 Section 990. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 103, 223, and 301 as follows:

3 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

4 Sec. 103. Definitions. For the purposes of this Act, the
5 following terms shall have the following meanings:

6 (1) "Abuse" means physical abuse, harassment, intimidation
7 of a dependent, interference with personal liberty or willful
8 deprivation but does not include reasonable direction of a
9 minor child by a parent or person in locoparentis.

10 (2) "Adult with disabilities" means an elder adult with
11 disabilities or a high-risk adult with disabilities. A person
12 may be an adult with disabilities for purposes of this Act even
13 though he or she has never been adjudicated an incompetent
14 adult. However, no court proceeding may be initiated or
15 continued on behalf of an adult with disabilities over that
16 adult's objection, unless such proceeding is approved by his or
17 her legal guardian, if any.

18 (3) "Domestic violence" means abuse as defined in paragraph
19 (1).

20 (4) "Elder adult with disabilities" means an adult
21 prevented by advanced age from taking appropriate action to
22 protect himself or herself from abuse by a family or household
23 member.

24 (5) "Exploitation" means the illegal, including tortious,
25 use of a high-risk adult with disabilities or of the assets or

1 resources of a high-risk adult with disabilities. Exploitation
2 includes, but is not limited to, the misappropriation of assets
3 or resources of a high-risk adult with disabilities by undue
4 influence, by breach of a fiduciary relationship, by fraud,
5 deception, or extortion, or the use of such assets or resources
6 in a manner contrary to law.

7 (6) "Family or household members" include spouses, former
8 spouses, parents, children, stepchildren and other persons
9 related by blood or by present or prior marriage, persons who
10 share or formerly shared a common dwelling, persons who have or
11 allegedly have a child in common, persons who share or
12 allegedly share a blood relationship through a child, persons
13 who have or have had a dating or engagement relationship,
14 persons with disabilities and their personal assistants, and
15 caregivers as defined in Section 12-4.4a or paragraph (3) of
16 subsection (b) of Section 12-21 of the Criminal Code of 1961.
17 For purposes of this paragraph, neither a casual
18 acquaintanceship nor ordinary fraternization between 2
19 individuals in business or social contexts shall be deemed to
20 constitute a dating relationship. In the case of a high-risk
21 adult with disabilities, "family or household members"
22 includes any person who has the responsibility for a high-risk
23 adult as a result of a family relationship or who has assumed
24 responsibility for all or a portion of the care of a high-risk
25 adult with disabilities voluntarily, or by express or implied
26 contract, or by court order.

1 (7) "Harassment" means knowing conduct which is not
2 necessary to accomplish a purpose that is reasonable under the
3 circumstances; would cause a reasonable person emotional
4 distress; and does cause emotional distress to the petitioner.
5 Unless the presumption is rebutted by a preponderance of the
6 evidence, the following types of conduct shall be presumed to
7 cause emotional distress:

8 (i) creating a disturbance at petitioner's place of
9 employment or school;

10 (ii) repeatedly telephoning petitioner's place of
11 employment, home or residence;

12 (iii) repeatedly following petitioner about in a
13 public place or places;

14 (iv) repeatedly keeping petitioner under surveillance
15 by remaining present outside his or her home, school, place
16 of employment, vehicle or other place occupied by
17 petitioner or by peering in petitioner's windows;

18 (v) improperly concealing a minor child from
19 petitioner, repeatedly threatening to improperly remove a
20 minor child of petitioner's from the jurisdiction or from
21 the physical care of petitioner, repeatedly threatening to
22 conceal a minor child from petitioner, or making a single
23 such threat following an actual or attempted improper
24 removal or concealment, unless respondent was fleeing an
25 incident or pattern of domestic violence; or

26 (vi) threatening physical force, confinement or

1 restraint on one or more occasions.

2 (8) "High-risk adult with disabilities" means a person aged
3 18 or over whose physical or mental disability impairs his or
4 her ability to seek or obtain protection from abuse, neglect,
5 or exploitation.

6 (9) "Interference with personal liberty" means committing
7 or threatening physical abuse, harassment, intimidation or
8 willful deprivation so as to compel another to engage in
9 conduct from which she or he has a right to abstain or to
10 refrain from conduct in which she or he has a right to engage.

11 (10) "Intimidation of a dependent" means subjecting a
12 person who is dependent because of age, health or disability to
13 participation in or the witnessing of: physical force against
14 another or physical confinement or restraint of another which
15 constitutes physical abuse as defined in this Act, regardless
16 of whether the abused person is a family or household member.

17 (11) (A) "Neglect" means the failure to exercise that
18 degree of care toward a high-risk adult with disabilities which
19 a reasonable person would exercise under the circumstances and
20 includes but is not limited to:

21 (i) the failure to take reasonable steps to protect a
22 high-risk adult with disabilities from acts of abuse;

23 (ii) the repeated, careless imposition of unreasonable
24 confinement;

25 (iii) the failure to provide food, shelter, clothing,
26 and personal hygiene to a high-risk adult with disabilities

1 who requires such assistance;

2 (iv) the failure to provide medical and rehabilitative
3 care for the physical and mental health needs of a
4 high-risk adult with disabilities; or

5 (v) the failure to protect a high-risk adult with
6 disabilities from health and safety hazards.

7 (B) Nothing in this subsection (10) shall be construed to
8 impose a requirement that assistance be provided to a high-risk
9 adult with disabilities over his or her objection in the
10 absence of a court order, nor to create any new affirmative
11 duty to provide support to a high-risk adult with disabilities.

12 (12) "Order of protection" means an emergency order,
13 interim order or plenary order, granted pursuant to this Act,
14 which includes any or all of the remedies authorized by Section
15 214 of this Act.

16 (13) "Petitioner" may mean not only any named petitioner
17 for the order of protection and any named victim of abuse on
18 whose behalf the petition is brought, but also any other person
19 protected by this Act.

20 (14) "Physical abuse" includes sexual abuse and means any
21 of the following:

22 (i) knowing or reckless use of physical force,
23 confinement or restraint;

24 (ii) knowing, repeated and unnecessary sleep
25 deprivation; or

26 (iii) knowing or reckless conduct which creates an

1 immediate risk of physical harm.

2 (14.5) "Stay away" means for the respondent to refrain from
3 both physical presence and nonphysical contact with the
4 petitioner whether direct, indirect (including, but not
5 limited to, telephone calls, mail, email, faxes, and written
6 notes), or through third parties who may or may not know about
7 the order of protection.

8 (15) "Willful deprivation" means wilfully denying a person
9 who because of age, health or disability requires medication,
10 medical care, shelter, accessible shelter or services, food,
11 therapeutic device, or other physical assistance, and thereby
12 exposing that person to the risk of physical, mental or
13 emotional harm, except with regard to medical care or treatment
14 when the dependent person has expressed an intent to forgo such
15 medical care or treatment. This paragraph does not create any
16 new affirmative duty to provide support to dependent persons.
17 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

18 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

19 Sec. 223. Enforcement of orders of protection.

20 (a) When violation is crime. A violation of any order of
21 protection, whether issued in a civil or criminal proceeding,
22 shall be enforced by a criminal court when:

23 (1) The respondent commits the crime of violation of an
24 order of protection pursuant to Section 12-3.4 or 12-30 of
25 the Criminal Code of 1961, by having knowingly violated:

1 (i) remedies described in paragraphs (1), (2),
2 (3), (14), or (14.5) of subsection (b) of Section 214
3 of this Act; or

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (1), (2),
6 (3), (14), and (14.5) of subsection (b) of Section 214
7 of this Act, in a valid order of protection which is
8 authorized under the laws of another state, tribe, or
9 United States territory; or

10 (iii) any other remedy when the act constitutes a
11 crime against the protected parties as defined by the
12 Criminal Code of 1961.

13 Prosecution for a violation of an order of protection
14 shall not bar concurrent prosecution for any other crime,
15 including any crime that may have been committed at the
16 time of the violation of the order of protection; or

17 (2) The respondent commits the crime of child abduction
18 pursuant to Section 10-5 of the Criminal Code of 1961, by
19 having knowingly violated:

20 (i) remedies described in paragraphs (5), (6) or
21 (8) of subsection (b) of Section 214 of this Act; or

22 (ii) a remedy, which is substantially similar to
23 the remedies authorized under paragraphs (5), (6), or
24 (8) of subsection (b) of Section 214 of this Act, in a
25 valid order of protection which is authorized under the
26 laws of another state, tribe, or United States

1 territory.

2 (b) When violation is contempt of court. A violation of any
3 valid Illinois order of protection, whether issued in a civil
4 or criminal proceeding, may be enforced through civil or
5 criminal contempt procedures, as appropriate, by any court with
6 jurisdiction, regardless where the act or acts which violated
7 the order of protection were committed, to the extent
8 consistent with the venue provisions of this Act. Nothing in
9 this Act shall preclude any Illinois court from enforcing any
10 valid order of protection issued in another state. Illinois
11 courts may enforce orders of protection through both criminal
12 prosecution and contempt proceedings, unless the action which
13 is second in time is barred by collateral estoppel or the
14 constitutional prohibition against double jeopardy.

15 (1) In a contempt proceeding where the petition for a
16 rule to show cause sets forth facts evidencing an immediate
17 danger that the respondent will flee the jurisdiction,
18 conceal a child, or inflict physical abuse on the
19 petitioner or minor children or on dependent adults in
20 petitioner's care, the court may order the attachment of
21 the respondent without prior service of the rule to show
22 cause or the petition for a rule to show cause. Bond shall
23 be set unless specifically denied in writing.

24 (2) A petition for a rule to show cause for violation
25 of an order of protection shall be treated as an expedited
26 proceeding.

1 (c) Violation of custody or support orders. A violation of
2 remedies described in paragraphs (5), (6), (8), or (9) of
3 subsection (b) of Section 214 of this Act may be enforced by
4 any remedy provided by Section 611 of the Illinois Marriage and
5 Dissolution of Marriage Act. The court may enforce any order
6 for support issued under paragraph (12) of subsection (b) of
7 Section 214 in the manner provided for under Parts V and VII of
8 the Illinois Marriage and Dissolution of Marriage Act.

9 (d) Actual knowledge. An order of protection may be
10 enforced pursuant to this Section if the respondent violates
11 the order after the respondent has actual knowledge of its
12 contents as shown through one of the following means:

13 (1) By service, delivery, or notice under Section 210.

14 (2) By notice under Section 210.1 or 211.

15 (3) By service of an order of protection under Section
16 222.

17 (4) By other means demonstrating actual knowledge of
18 the contents of the order.

19 (e) The enforcement of an order of protection in civil or
20 criminal court shall not be affected by either of the
21 following:

22 (1) The existence of a separate, correlative order,
23 entered under Section 215.

24 (2) Any finding or order entered in a conjoined
25 criminal proceeding.

26 (f) Circumstances. The court, when determining whether or

1 not a violation of an order of protection has occurred, shall
2 not require physical manifestations of abuse on the person of
3 the victim.

4 (g) Penalties.

5 (1) Except as provided in paragraph (3) of this
6 subsection, where the court finds the commission of a crime
7 or contempt of court under subsections (a) or (b) of this
8 Section, the penalty shall be the penalty that generally
9 applies in such criminal or contempt proceedings, and may
10 include one or more of the following: incarceration,
11 payment of restitution, a fine, payment of attorneys' fees
12 and costs, or community service.

13 (2) The court shall hear and take into account evidence
14 of any factors in aggravation or mitigation before deciding
15 an appropriate penalty under paragraph (1) of this
16 subsection.

17 (3) To the extent permitted by law, the court is
18 encouraged to:

19 (i) increase the penalty for the knowing violation
20 of any order of protection over any penalty previously
21 imposed by any court for respondent's violation of any
22 order of protection or penal statute involving
23 petitioner as victim and respondent as defendant;

24 (ii) impose a minimum penalty of 24 hours
25 imprisonment for respondent's first violation of any
26 order of protection; and

1 (iii) impose a minimum penalty of 48 hours
2 imprisonment for respondent's second or subsequent
3 violation of an order of protection
4 unless the court explicitly finds that an increased penalty
5 or that period of imprisonment would be manifestly unjust.

6 (4) In addition to any other penalties imposed for a
7 violation of an order of protection, a criminal court may
8 consider evidence of any violations of an order of
9 protection:

10 (i) to increase, revoke or modify the bail bond on
11 an underlying criminal charge pursuant to Section
12 110-6 of the Code of Criminal Procedure of 1963;

13 (ii) to revoke or modify an order of probation,
14 conditional discharge or supervision, pursuant to
15 Section 5-6-4 of the Unified Code of Corrections;

16 (iii) to revoke or modify a sentence of periodic
17 imprisonment, pursuant to Section 5-7-2 of the Unified
18 Code of Corrections.

19 (5) In addition to any other penalties, the court shall
20 impose an additional fine of \$20 as authorized by Section
21 5-9-1.11 of the Unified Code of Corrections upon any person
22 convicted of or placed on supervision for a violation of an
23 order of protection. The additional fine shall be imposed
24 for each violation of this Section.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

2 Sec. 301. Arrest without warrant.

3 (a) Any law enforcement officer may make an arrest without
4 warrant if the officer has probable cause to believe that the
5 person has committed or is committing any crime, including but
6 not limited to violation of an order of protection, under
7 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if
8 the crime was not committed in the presence of the officer.

9 (b) The law enforcement officer may verify the existence of
10 an order of protection by telephone or radio communication with
11 his or her law enforcement agency or by referring to the copy
12 of the order provided by the petitioner or respondent.

13 (c) Any law enforcement officer may make an arrest without
14 warrant if the officer has reasonable grounds to believe a
15 defendant at liberty under the provisions of subdivision (d) (1)
16 or (d) (2) of Section 110-10 of the Code of Criminal Procedure
17 of 1963 has violated a condition of his or her bail bond or
18 recognizance.

19 (Source: P.A. 88-624, eff. 1-1-95.)

20 Section 995. The Probate Act of 1975 is amended by changing
21 Sections 2-6.2 and 2-6.6 as follows:

22 (755 ILCS 5/2-6.2)

23 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
24 elderly person or a person with a disability.

1 (a) In this Section:

2 "Abuse" means any offense described in Section 12-21 or
3 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

4 "Financial exploitation" means any offense described in
5 Section 16-1.3 of the Criminal Code of 1961.

6 "Neglect" means any offense described in Section 12-19 or
7 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

8 (b) Persons convicted of financial exploitation, abuse, or
9 neglect of an elderly person or a person with a disability
10 shall not receive any property, benefit, or other interest by
11 reason of the death of that elderly person or person with a
12 disability, whether as heir, legatee, beneficiary, survivor,
13 appointee, claimant under Section 18-1.1, or in any other
14 capacity and whether the property, benefit, or other interest
15 passes pursuant to any form of title registration, testamentary
16 or nontestamentary instrument, intestacy, renunciation, or any
17 other circumstance. The property, benefit, or other interest
18 shall pass as if the person convicted of the financial
19 exploitation, abuse, or neglect died before the decedent,
20 provided that with respect to joint tenancy property the
21 interest possessed prior to the death by the person convicted
22 of the financial exploitation, abuse, or neglect shall not be
23 diminished by the application of this Section. Notwithstanding
24 the foregoing, a person convicted of financial exploitation,
25 abuse, or neglect of an elderly person or a person with a
26 disability shall be entitled to receive property, a benefit, or

1 an interest in any capacity and under any circumstances
2 described in this subsection (b) if it is demonstrated by clear
3 and convincing evidence that the victim of that offense knew of
4 the conviction and subsequent to the conviction expressed or
5 ratified his or her intent to transfer the property, benefit,
6 or interest to the person convicted of financial exploitation,
7 abuse, or neglect of an elderly person or a person with a
8 disability in any manner contemplated by this subsection (b).

9 (c) (1) The holder of any property subject to the
10 provisions of this Section shall not be liable for
11 distributing or releasing the property to the person
12 convicted of financial exploitation, abuse, or neglect of
13 an elderly person or a person with a disability if the
14 distribution or release occurs prior to the conviction.

15 (2) If the holder is a financial institution, trust
16 company, trustee, or similar entity or person, the holder
17 shall not be liable for any distribution or release of the
18 property, benefit, or other interest to the person
19 convicted of a violation of Section 12-19, 12-21, or
20 16-1.3, or subsection (a) or (b) of Section 12-4.4a, of the
21 Criminal Code of 1961 unless the holder knowingly
22 distributes or releases the property, benefit, or other
23 interest to the person so convicted after first having
24 received actual written notice of the conviction in
25 sufficient time to act upon the notice.

26 (d) If the holder of any property subject to the provisions

1 of this Section knows that a potential beneficiary has been
2 convicted of financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability within the scope
4 of this Section, the holder shall fully cooperate with law
5 enforcement authorities and judicial officers in connection
6 with any investigation of the financial exploitation, abuse, or
7 neglect. If the holder is a person or entity that is subject to
8 regulation by a regulatory agency pursuant to the laws of this
9 or any other state or pursuant to the laws of the United
10 States, including but not limited to the business of a
11 financial institution, corporate fiduciary, or insurance
12 company, then such person or entity shall not be deemed to be
13 in violation of this Section to the extent that privacy laws
14 and regulations applicable to such person or entity prevent it
15 from voluntarily providing law enforcement authorities or
16 judicial officers with information.

17 (Source: P.A. 95-315, eff. 1-1-08.)

18 (755 ILCS 5/2-6.6)

19 Sec. 2-6.6. Person convicted of certain offenses against
20 the elderly or disabled. A person who is convicted of a
21 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
22 or (b) of Section 12-4.4a, of the Criminal Code of 1961 may not
23 receive any property, benefit, or other interest by reason of
24 the death of the victim of that offense, whether as heir,
25 legatee, beneficiary, joint tenant, tenant by the entirety,

1 survivor, appointee, or in any other capacity and whether the
2 property, benefit, or other interest passes pursuant to any
3 form of title registration, testamentary or nontestamentary
4 instrument, intestacy, renunciation, or any other
5 circumstance. The property, benefit, or other interest shall
6 pass as if the person convicted of a violation of Section
7 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
8 12-4.4a, of the Criminal Code of 1961 died before the decedent;
9 provided that with respect to joint tenancy property or
10 property held in tenancy by the entirety, the interest
11 possessed prior to the death by the person convicted may not be
12 diminished by the application of this Section. Notwithstanding
13 the foregoing, a person convicted of a violation of Section
14 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section
15 12-4.4a, of the Criminal Code of 1961 shall be entitled to
16 receive property, a benefit, or an interest in any capacity and
17 under any circumstances described in this Section if it is
18 demonstrated by clear and convincing evidence that the victim
19 of that offense knew of the conviction and subsequent to the
20 conviction expressed or ratified his or her intent to transfer
21 the property, benefit, or interest to the person convicted of a
22 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
23 or (b) of Section 12-4.4a, of the Criminal Code of 1961 in any
24 manner contemplated by this Section.

25 The holder of any property subject to the provisions of
26 this Section is not liable for distributing or releasing the

1 property to the person convicted of violating Section 12-19,
2 12-21, or 16-1.3, or subsection (a) or (b) of Section 12-4.4a,
3 of the Criminal Code of 1961.

4 If the holder is a financial institution, trust company,
5 trustee, or similar entity or person, the holder shall not be
6 liable for any distribution or release of the property,
7 benefit, or other interest to the person convicted of a
8 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)
9 or (b) of Section 12-4.4a, of the Criminal Code of 1961 unless
10 the holder knowingly distributes or releases the property,
11 benefit, or other interest to the person so convicted after
12 first having received actual written notice of the conviction
13 in sufficient time to act upon the notice.

14 The Department of State Police shall have access to State
15 of Illinois databases containing information that may help in
16 the identification or location of persons convicted of the
17 offenses enumerated in this Section. Interagency agreements
18 shall be implemented, consistent with security and procedures
19 established by the State agency and consistent with the laws
20 governing the confidentiality of the information in the
21 databases. Information shall be used only for administration of
22 this Section.

23 (Source: P.A. 93-301, eff. 1-1-04.)

24

Article 2.

1 Section 5. The Criminal Code of 1961 is amended by adding
2 the headings of Subdivisions 1, 5, 10, 15, 20, and 25 of
3 Article 11, by adding Article 36.5, by adding Sections 11-0.1,
4 11-9.1A, 11-14.3, and 11-14.4, by changing Sections 11-6,
5 11-6.5, 11-9.1, 11-9.2, 11-9.3, 11-9.5, 11-11, 11-14, 11-14.1,
6 11-18, 11-18.1, 11-20, 11-20.1, 11-20.2, 11-21, 11-23, and
7 11-24, and by renumbering and changing Sections 11-7, 11-8,
8 11-9, 11-12, 11-20.3, 12-13, 12-14, 12-14.1, 12-15, 12-16,
9 12-17, 12-18, and 12-18.1 as follows:

10 (720 ILCS 5/Art. 11 Subdiv. 1 heading new)

11 SUBDIVISION 1. GENERAL DEFINITIONS

12 (720 ILCS 5/11-0.1 new)

13 Sec. 11-0.1. Definitions. In this Article, unless the
14 context clearly requires otherwise, the following terms are
15 defined as indicated:

16 "Accused" means a person accused of an offense prohibited
17 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
18 this Code or a person for whose conduct the accused is legally
19 responsible under Article 5 of this Code.

20 "Adult obscenity or child pornography Internet site". See
21 Section 11-23.

22 "Advance prostitution" means:

23 (1) Soliciting for a prostitute by performing any of
24 the following acts when acting other than as a prostitute

1 or a patron of a prostitute:

2 (A) Soliciting another for the purpose of
3 prostitution.

4 (B) Arranging or offering to arrange a meeting of
5 persons for the purpose of prostitution.

6 (C) Directing another to a place knowing the
7 direction is for the purpose of prostitution.

8 (2) Keeping a place of prostitution by controlling or
9 exercising control over the use of any place that could
10 offer seclusion or shelter for the practice of prostitution
11 and performing any of the following acts when acting other
12 than as a prostitute or a patron of a prostitute:

13 (A) Knowingly granting or permitting the use of the
14 place for the purpose of prostitution.

15 (B) Granting or permitting the use of the place
16 under circumstances from which he or she could
17 reasonably know that the place is used or is to be used
18 for purposes of prostitution.

19 (C) Permitting the continued use of the place after
20 becoming aware of facts or circumstances from which he
21 or she should reasonably know that the place is being
22 used for purposes of prostitution.

23 "Agency". See Section 11-9.5.

24 "Arranges". See Section 11-6.5.

25 "Bodily harm" means physical harm, and includes, but is not
26 limited to, sexually transmitted disease, pregnancy, and

1 impotence.

2 "Care and custody". See Section 11-9.5.

3 "Child care institution". See Section 11-9.3.

4 "Child pornography". See Section 11-20.1.

5 "Child sex offender". See Section 11-9.3.

6 "Community agency". See Section 11-9.5.

7 "Conditional release". See Section 11-9.2.

8 "Consent". See Section 11-1.70.

9 "Custody". See Section 11-9.2.

10 "Day care center". See Section 11-9.3.

11 "Depict by computer". See Section 11-20.1.

12 "Depiction by computer". See Section 11-20.1.

13 "Disseminate". See Section 11-20.1.

14 "Distribute". See Section 11-21.

15 "Family member" means a parent, grandparent, child, aunt,
16 uncle, great-aunt, or great-uncle, whether by whole blood,
17 half-blood, or adoption, and includes a step-grandparent,
18 step-parent, or step-child. "Family member" also means, if the
19 victim is a child under 18 years of age, an accused who has
20 resided in the household with the child continuously for at
21 least 6 months.

22 "Force or threat of force" means the use of force or
23 violence or the threat of force or violence, including, but not
24 limited to, the following situations:

25 (1) when the accused threatens to use force or violence
26 on the victim or on any other person, and the victim under

1 the circumstances reasonably believes that the accused has
2 the ability to execute that threat; or

3 (2) when the accused overcomes the victim by use of
4 superior strength or size, physical restraint, or physical
5 confinement.

6 "Harmful to minors". See Section 11-21.

7 "Loiter". See Section 9.3.

8 "Material". See Section 11-21.

9 "Minor". See Section 11-21.

10 "Nudity". See Section 11-21.

11 "Obscene". See Section 11-20.

12 "Part day child care facility". See Section 11-9.3.

13 "Penal system". See Section 11-9.2.

14 "Person responsible for the child's welfare". See Section
15 11-9.1A.

16 "Person with a disability". See Section 11-9.5.

17 "Playground". See Section 11-9.3.

18 "Probation officer". See Section 11-9.2.

19 "Produce". See Section 11-20.1.

20 "Profit from prostitution" means, when acting other than as
21 a prostitute, to receive anything of value for personally
22 rendered prostitution services or to receive anything of value
23 from a prostitute, if the thing received is not for lawful
24 consideration and the person knows it was earned in whole or in
25 part from the practice of prostitution.

26 "Public park". See Section 11-9.3.

1 "Public place". See Section 11-30.

2 "Reproduce". See Section 11-20.1.

3 "Sado-masochistic abuse". See Section 11-21.

4 "School". See Section 11-9.3.

5 "School official". See Section 11-9.3.

6 "Sexual abuse". See Section 11-9.1A.

7 "Sexual act". See Section 11-9.1.

8 "Sexual conduct" means any knowing touching or fondling by
9 the victim or the accused, either directly or through clothing,
10 of the sex organs, anus, or breast of the victim or the
11 accused, or any part of the body of a child under 13 years of
12 age, or any transfer or transmission of semen by the accused
13 upon any part of the clothed or unclothed body of the victim,
14 for the purpose of sexual gratification or arousal of the
15 victim or the accused.

16 "Sexual excitement". See Section 11-21.

17 "Sexual penetration" means any contact, however slight,
18 between the sex organ or anus of one person and an object or
19 the sex organ, mouth, or anus of another person, or any
20 intrusion, however slight, of any part of the body of one
21 person or of any animal or object into the sex organ or anus of
22 another person, including, but not limited to, cunnilingus,
23 fellatio, or anal penetration. Evidence of emission of semen is
24 not required to prove sexual penetration.

25 "Solicit". See Section 11-6.

26 "State-operated facility". See Section 11-9.5.

1 "Supervising officer". See Section 11-9.2.

2 "Surveillance agent". See Section 11-9.2.

3 "Treatment and detention facility". See Section 11-9.2.

4 "Victim" means a person alleging to have been subjected to
5 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
6 11-1.50, or 11-1.60 of this Code.

7 (720 ILCS 5/Art. 11 Subdiv. 5 heading new)

8 SUBDIVISION 5. MAJOR SEX OFFENSES

9 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

10 Sec. 11-1.10. ~~12-18.~~ General provisions concerning
11 offenses described in Sections 11-1.20 through 11-1.60.
12 Provisions.

13 (a) No person accused of violating Section 11-1.20,
14 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~
15 ~~12-15 or 12-16~~ of this Code shall be presumed to be incapable
16 of committing an offense prohibited by Section 11-1.20,
17 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~
18 ~~12-14.1, 12-15 or 12-16~~ of this Code because of age, physical
19 condition or relationship to the victim, ~~except as otherwise~~
20 ~~provided in subsection (c) of this Section.~~ Nothing in this
21 Section shall be construed to modify or abrogate the
22 affirmative defense of infancy under Section 6-1 of this Code
23 or the provisions of Section 5-805 of the Juvenile Court Act of
24 1987.

1 (b) Any medical examination or procedure which is conducted
2 by a physician, nurse, medical or hospital personnel, parent,
3 or caretaker for purposes and in a manner consistent with
4 reasonable medical standards is not an offense under Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13,~~
6 ~~12-14, 12-14.1, 12-15 and 12-16~~ of this Code.

7 (c) (Blank).

8 (d) (Blank).

9 (e) After a finding at a preliminary hearing that there is
10 probable cause to believe that an accused has committed a
11 violation of Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14,~~
12 ~~or 12-14.1~~ of this Code, or after an indictment is returned
13 charging an accused with a violation of Section 11-1.20,
14 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~ of this Code, or
15 after a finding that a defendant charged with a violation of
16 Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~
17 of this Code is unfit to stand trial pursuant to Section 104-16
18 of the Code of Criminal Procedure of 1963 where the finding is
19 made prior to preliminary hearing, at the request of the person
20 who was the victim of the violation of Section 11-1.20,
21 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~, the prosecuting
22 State's attorney shall seek an order from the court to compel
23 the accused to be tested within 48 hours for any sexually
24 transmissible disease, including a test for infection with
25 human immunodeficiency virus (HIV). The medical tests shall be
26 performed only by appropriately licensed medical

1 practitioners. The test for infection with human
2 immunodeficiency virus (HIV) shall consist of an enzyme-linked
3 immunosorbent assay (ELISA) test, or such other test as may be
4 approved by the Illinois Department of Public Health; in the
5 event of a positive result, the Western Blot Assay or a more
6 reliable confirmatory test shall be administered. The results
7 of the tests and any follow-up tests shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 victim, to the defendant, to the State's Attorney, and to the
11 judge who entered the order, for the judge's inspection in
12 camera. The judge shall provide to the victim a referral to the
13 Illinois Department of Public Health HIV/AIDS toll-free
14 hotline for counseling and information in connection with the
15 test result. Acting in accordance with the best interests of
16 the victim and the public, the judge shall have the discretion
17 to determine to whom, if anyone, the result of the testing may
18 be revealed; however, in no case shall the identity of the
19 victim be disclosed. The court shall order that the cost of the
20 tests shall be paid by the county, and shall be taxed as costs
21 against the accused if convicted.

22 (f) Whenever any law enforcement officer has reasonable
23 cause to believe that a person has been delivered a controlled
24 substance without his or her consent, the law enforcement
25 officer shall advise the victim about seeking medical treatment
26 and preserving evidence.

1 (g) Every hospital providing emergency hospital services
2 to an alleged sexual assault survivor, when there is reasonable
3 cause to believe that a person has been delivered a controlled
4 substance without his or her consent, shall designate personnel
5 to provide:

6 (1) An explanation to the victim about the nature and
7 effects of commonly used controlled substances and how such
8 controlled substances are administered.

9 (2) An offer to the victim of testing for the presence
10 of such controlled substances.

11 (3) A disclosure to the victim that all controlled
12 substances or alcohol ingested by the victim will be
13 disclosed by the test.

14 (4) A statement that the test is completely voluntary.

15 (5) A form for written authorization for sample
16 analysis of all controlled substances and alcohol ingested
17 by the victim.

18 A physician licensed to practice medicine in all its
19 branches may agree to be a designated person under this
20 subsection.

21 No sample analysis may be performed unless the victim
22 returns a signed written authorization within 30 days after the
23 sample was collected.

24 Any medical treatment or care under this subsection shall
25 be only in accordance with the order of a physician licensed to
26 practice medicine in all of its branches. Any testing under

1 this subsection shall be only in accordance with the order of a
2 licensed individual authorized to order the testing.

3 (Source: P.A. 94-397, eff. 1-1-06; 95-926, eff. 8-26-08.)

4 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

5 Sec. 11-1.20. ~~12-13.~~ Criminal Sexual Assault.

6 (a) A person commits criminal sexual assault if that person
7 commits an act of sexual penetration and:

8 (1) uses force or threat of force;

9 (2) knows that the victim is unable to understand the
10 nature of the act or is unable to give knowing consent;

11 (3) is a family member of the victim, and the victim is
12 under 18 years of age; or

13 (4) is 17 years of age or over and holds a position of
14 trust, authority, or supervision in relation to the victim,
15 and the victim is at least 13 years of age but under 18
16 years of age. ~~The accused commits criminal sexual assault~~
17 ~~if he or she:~~

18 ~~(1) commits an act of sexual penetration by the use of~~
19 ~~force or threat of force; or~~

20 ~~(2) commits an act of sexual penetration and the~~
21 ~~accused knew that the victim was unable to understand the~~
22 ~~nature of the act or was unable to give knowing consent; or~~

23 ~~(3) commits an act of sexual penetration with a victim~~
24 ~~who was under 18 years of age when the act was committed~~
25 ~~and the accused was a family member; or~~

1 ~~(4) commits an act of sexual penetration with a victim~~
2 ~~who was at least 13 years of age but under 18 years of age~~
3 ~~when the act was committed and the accused was 17 years of~~
4 ~~age or over and held a position of trust, authority or~~
5 ~~supervision in relation to the victim.~~

6 (b) Sentence.

7 (1) Criminal sexual assault is a Class 1 felony, except
8 that:-

9 (A) ~~(2)~~ A person who is convicted of the offense of
10 criminal sexual assault as defined in paragraph (a) (1)
11 or (a) (2) after having previously been convicted of the
12 offense of criminal sexual assault or the offense of
13 exploitation of a child, or who is convicted of the
14 offense of criminal sexual assault as defined in
15 paragraph (a) (1) or (a) (2) after having previously
16 been convicted under the laws of this State or any
17 other state of an offense that is substantially
18 equivalent to the offense of criminal sexual assault or
19 to the offense of exploitation of a child, commits a
20 Class X felony for which the person shall be sentenced
21 to a term of imprisonment of not less than 30 years and
22 not more than 60 years. The commission of the second or
23 subsequent offense is required to have been after the
24 initial conviction for this paragraph (A) ~~(2)~~ to apply.

25 (B) ~~(3)~~ A person who is convicted of the offense of
26 criminal sexual assault as defined in paragraph (a) (1)

1 or (a) (2) after having previously been convicted of the
2 offense of aggravated criminal sexual assault or the
3 offense of predatory criminal sexual assault of a
4 child, or who is convicted of the offense of criminal
5 sexual assault as defined in paragraph (a) (1) or (a) (2)
6 after having previously been convicted under the laws
7 of this State or any other state of an offense that is
8 substantially equivalent to the offense of aggravated
9 criminal sexual assault or the offense of ~~criminal~~
10 predatory criminal sexual assault of a child shall be
11 sentenced to a term of natural life imprisonment. The
12 commission of the second or subsequent offense is
13 required to have been after the initial conviction for
14 this paragraph (B) ~~(3)~~ to apply.

15 (C) ~~(4)~~ A second or subsequent conviction for a
16 violation of paragraph (a) (3) or (a) (4) or under any
17 similar statute of this State or any other state for
18 any offense involving criminal sexual assault that is
19 substantially equivalent to or more serious than the
20 sexual assault prohibited under paragraph (a) (3) or
21 (a) (4) is a Class X felony.

22 ~~(5) When a person has any such prior conviction, the~~
23 ~~information or indictment charging that person shall state~~
24 ~~such prior conviction so as to give notice of the State's~~
25 ~~intention to treat the charge as a Class X felony. The fact~~
26 ~~of such prior conviction is not an element of the offense~~

1 ~~and may not be disclosed to the jury during trial unless~~
2 ~~otherwise permitted by issues properly raised during such~~
3 ~~trial.~~

4 (Source: P.A. 95-640, eff. 6-1-08.)

5 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

6 Sec. 11-1.30 ~~12-14~~. Aggravated Criminal Sexual Assault.

7 (a) A person commits aggravated criminal sexual assault if
8 that person commits criminal sexual assault and any of the
9 following aggravating circumstances exist during the
10 commission of the offense or, for purposes of paragraph (7),
11 occur as part of the same course of conduct as the commission
12 of the offense:

13 (1) the person displays, threatens to use, or uses a
14 dangerous weapon, other than a firearm, or any other object
15 fashioned or used in a manner that leads the victim, under
16 the circumstances, reasonably to believe that the object is
17 a dangerous weapon;

18 (2) the person causes bodily harm to the victim, except
19 as provided in paragraph (10);

20 (3) the person acts in a manner that threatens or
21 endangers the life of the victim or any other person;

22 (4) the person commits the criminal sexual assault
23 during the course of committing or attempting to commit any
24 other felony;

25 (5) the victim is 60 years of age or older;

1 (6) the victim is a physically handicapped person;

2 (7) the person delivers (by injection, inhalation,
3 ingestion, transfer of possession, or any other means) any
4 controlled substance to the victim without the victim's
5 consent or by threat or deception for other than medical
6 purposes;

7 (8) the person is armed with a firearm;

8 (9) the person personally discharges a firearm during
9 the commission of the offense; or

10 (10) the person personally discharges a firearm during
11 the commission of the offense, and that discharge
12 proximately causes great bodily harm, permanent
13 disability, permanent disfigurement, or death to another
14 person. ~~The accused commits aggravated criminal sexual~~
15 ~~assault if he or she commits criminal sexual assault and~~
16 ~~any of the following aggravating circumstances existed~~
17 ~~during, or for the purposes of paragraph (7) of this~~
18 ~~subsection (a) as part of the same course of conduct as,~~
19 ~~the commission of the offense.~~

20 ~~(1) the accused displayed, threatened to use, or used a~~
21 ~~dangerous weapon, other than a firearm, or any object~~
22 ~~fashioned or utilized in such a manner as to lead the~~
23 ~~victim under the circumstances reasonably to believe it to~~
24 ~~be a dangerous weapon; or~~

25 ~~(2) the accused caused bodily harm, except as provided~~
26 ~~in subsection (a)(10), to the victim; or~~

1 ~~(3) the accused acted in such a manner as to threaten~~
2 ~~or endanger the life of the victim or any other person; or~~

3 ~~(4) the criminal sexual assault was perpetrated during~~
4 ~~the course of the commission or attempted commission of any~~
5 ~~other felony by the accused; or~~

6 ~~(5) the victim was 60 years of age or over when the~~
7 ~~offense was committed; or~~

8 ~~(6) the victim was a physically handicapped person; or~~

9 ~~(7) the accused delivered (by injection, inhalation,~~
10 ~~ingestion, transfer of possession, or any other means) to~~
11 ~~the victim without his or her consent, or by threat or~~
12 ~~deception, and for other than medical purposes, any~~
13 ~~controlled substance; or~~

14 ~~(8) the accused was armed with a firearm; or~~

15 ~~(9) the accused personally discharged a firearm during~~
16 ~~the commission of the offense; or~~

17 ~~(10) the accused, during the commission of the offense,~~
18 ~~personally discharged a firearm that proximately caused~~
19 ~~great bodily harm, permanent disability, permanent~~
20 ~~disfigurement, or death to another person.~~

21 (b) A person ~~The accused~~ commits aggravated criminal sexual
22 assault if that person is ~~the accused was~~ under 17 years of age
23 and: (i) commits an act of sexual penetration with a victim who
24 is ~~was~~ under 9 years of age ~~when the act was committed;~~ or (ii)
25 commits an act of sexual penetration with a victim who is ~~was~~
26 at least 9 years of age but under 13 years of age ~~when the act~~

1 ~~was committed~~ and the person uses ~~accused used~~ force or threat
2 of force to commit the act.

3 (c) A person ~~The accused~~ commits aggravated criminal sexual
4 assault if that person ~~he or she~~ commits an act of sexual
5 penetration with a victim who is ~~was~~ a severely or profoundly
6 mentally retarded person ~~at the time the act was committed~~.

7 (d) Sentence.

8 (1) Aggravated criminal sexual assault in violation of
9 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)
10 or in violation of subsection (b) or (c) is a Class X
11 felony. A violation of subsection (a)(1) is a Class X
12 felony for which 10 years shall be added to the term of
13 imprisonment imposed by the court. A violation of
14 subsection (a)(8) is a Class X felony for which 15 years
15 shall be added to the term of imprisonment imposed by the
16 court. A violation of subsection (a)(9) is a Class X felony
17 for which 20 years shall be added to the term of
18 imprisonment imposed by the court. A violation of
19 subsection (a)(10) is a Class X felony for which 25 years
20 or up to a term of natural life imprisonment shall be added
21 to the term of imprisonment imposed by the court.

22 (2) A person who is convicted of a second or subsequent
23 offense of aggravated criminal sexual assault, or who is
24 convicted of the offense of aggravated criminal sexual
25 assault after having previously been convicted of the
26 offense of criminal sexual assault or the offense of

1 predatory criminal sexual assault of a child, or who is
2 convicted of the offense of aggravated criminal sexual
3 assault after having previously been convicted under the
4 laws of this or any other state of an offense that is
5 substantially equivalent to the offense of criminal sexual
6 assault, the offense of aggravated criminal sexual assault
7 or the offense of predatory criminal sexual assault of a
8 child, shall be sentenced to a term of natural life
9 imprisonment. The commission of the second or subsequent
10 offense is required to have been after the initial
11 conviction for this paragraph (2) to apply.

12 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,
13 eff. 12-19-01; 92-721, eff. 1-1-03.)

14 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

15 Sec. 11-1.40 ~~12-14.1~~. Predatory criminal sexual assault of
16 a child.

17 (a) A person commits predatory criminal sexual assault of a
18 child if that person commits an act of sexual penetration, is
19 17 years of age or older, and:

20 (1) the victim is under 13 years of age; or

21 (2) the victim is under 13 years of age and that
22 person:

23 (A) is armed with a firearm;

24 (B) personally discharges a firearm during the
25 commission of the offense;

1 (C) causes great bodily harm to the victim that:

2 (i) results in permanent disability; or

3 (ii) is life threatening; or

4 (D) delivers (by injection, inhalation, ingestion,
5 transfer of possession, or any other means) any
6 controlled substance to the victim without the
7 victim's consent or by threat or deception, for other
8 than medical purposes. ~~The accused commits predatory~~
9 ~~criminal sexual assault of a child if:~~

10 ~~(1) the accused was 17 years of age or over and commits~~
11 ~~an act of sexual penetration with a victim who was under 13~~
12 ~~years of age when the act was committed; or~~

13 ~~(1.1) the accused was 17 years of age or over and,~~
14 ~~while armed with a firearm, commits an act of sexual~~
15 ~~penetration with a victim who was under 13 years of age~~
16 ~~when the act was committed; or~~

17 ~~(1.2) the accused was 17 years of age or over and~~
18 ~~commits an act of sexual penetration with a victim who was~~
19 ~~under 13 years of age when the act was committed and,~~
20 ~~during the commission of the offense, the accused~~
21 ~~personally discharged a firearm; or~~

22 ~~(2) the accused was 17 years of age or over and commits~~
23 ~~an act of sexual penetration with a victim who was under 13~~
24 ~~years of age when the act was committed and the accused~~
25 ~~caused great bodily harm to the victim that:~~

26 ~~(A) resulted in permanent disability; or~~

1 ~~(B) was life threatening; or~~

2 ~~(3) the accused was 17 years of age or over and commits~~
3 ~~an act of sexual penetration with a victim who was under 13~~
4 ~~years of age when the act was committed and the accused~~
5 ~~delivered (by injection, inhalation, ingestion, transfer~~
6 ~~of possession, or any other means) to the victim without~~
7 ~~his or her consent, or by threat or deception, and for~~
8 ~~other than medical purposes, any controlled substance.~~

9 (b) Sentence.

10 (1) A person convicted of a violation of subsection
11 (a) (1) commits a Class X felony, for which the person shall
12 be sentenced to a term of imprisonment of not less than 6
13 years and not more than 60 years. A person convicted of a
14 violation of subsection (a) (2) (A) ~~(a) (1.1)~~ commits a Class
15 X felony for which 15 years shall be added to the term of
16 imprisonment imposed by the court. A person convicted of a
17 violation of subsection (a) (2) (B) ~~(a) (1.2)~~ commits a Class
18 X felony for which 20 years shall be added to the term of
19 imprisonment imposed by the court. A person convicted of a
20 violation of subsection (a) (2) (C) ~~(a) (2)~~ commits a Class X
21 felony for which the person shall be sentenced to a term of
22 imprisonment of not less than 50 years or up to a term of
23 natural life imprisonment.

24 (1.1) A person convicted of a violation of subsection
25 (a) (2) (D) ~~(a) (3)~~ commits a Class X felony for which the
26 person shall be sentenced to a term of imprisonment of not

1 less than 50 years and not more than 60 years.

2 (1.2) A person convicted of predatory criminal sexual
3 assault of a child committed against 2 or more persons
4 regardless of whether the offenses occurred as the result
5 of the same act or of several related or unrelated acts
6 shall be sentenced to a term of natural life imprisonment.

7 (2) A person who is convicted of a second or subsequent
8 offense of predatory criminal sexual assault of a child, or
9 who is convicted of the offense of predatory criminal
10 sexual assault of a child after having previously been
11 convicted of the offense of criminal sexual assault or the
12 offense of aggravated criminal sexual assault, or who is
13 convicted of the offense of predatory criminal sexual
14 assault of a child after having previously been convicted
15 under the laws of this State or any other state of an
16 offense that is substantially equivalent to the offense of
17 predatory criminal sexual assault of a child, the offense
18 of aggravated criminal sexual assault or the offense of
19 criminal sexual assault, shall be sentenced to a term of
20 natural life imprisonment. The commission of the second or
21 subsequent offense is required to have been after the
22 initial conviction for this paragraph (2) to apply.

23 (Source: P.A. 95-640, eff. 6-1-08.)

24 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)

25 Sec. 11-1.50 ~~12-15~~. Criminal sexual abuse.

1 (a) A person ~~The accused~~ commits criminal sexual abuse if
2 that person ~~he or she~~:

3 (1) commits an act of sexual conduct by the use of
4 force or threat of force; or

5 (2) commits an act of sexual conduct and knows ~~the~~
6 ~~accused knew~~ that the victim is ~~was~~ unable to understand
7 the nature of the act or is ~~was~~ unable to give knowing
8 consent.

9 (b) A person ~~The accused~~ commits criminal sexual abuse if
10 that person is ~~the accused was~~ under 17 years of age and
11 commits an act of sexual penetration or sexual conduct with a
12 victim who is ~~was~~ at least 9 years of age but under 17 years of
13 age ~~when the act was committed~~.

14 (c) A person ~~The accused~~ commits criminal sexual abuse if
15 that person ~~he or she~~ commits an act of sexual penetration or
16 sexual conduct with a victim who is ~~was~~ at least 13 years of
17 age but under 17 years of age and the person is ~~accused was~~
18 less than 5 years older than the victim.

19 (d) Sentence. Criminal sexual abuse for a violation of
20 subsection (b) or (c) of this Section is a Class A misdemeanor.
21 Criminal sexual abuse for a violation of paragraph (1) or (2)
22 of subsection (a) of this Section is a Class 4 felony. A second
23 or subsequent conviction for a violation of subsection (a) of
24 this Section is a Class 2 felony. For purposes of this Section
25 it is a second or subsequent conviction if the accused has at
26 any time been convicted under this Section or under any similar

1 statute of this State or any other state for any offense
2 involving sexual abuse or sexual assault that is substantially
3 equivalent to or more serious than the sexual abuse prohibited
4 under this Section.

5 (Source: P.A. 91-389, eff. 1-1-00.)

6 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

7 Sec. 11-1.60 ~~12-16~~. Aggravated Criminal Sexual Abuse.

8 (a) A person commits aggravated criminal sexual abuse if
9 that person commits criminal sexual abuse and any of the
10 following aggravating circumstances exist (i) during the
11 commission of the offense or (ii) for purposes of paragraph
12 (7), as part of the same course of conduct as the commission of
13 the offense:

14 (1) the person displays, threatens to use, or uses a
15 dangerous weapon or any other object fashioned or used in a
16 manner that leads the victim, under the circumstances,
17 reasonably to believe that the object is a dangerous
18 weapon;

19 (2) the person causes bodily harm to the victim;

20 (3) the victim is 60 years of age or older;

21 (4) the victim is a physically handicapped person;

22 (5) the person acts in a manner that threatens or
23 endangers the life of the victim or any other person;

24 (6) the person commits the criminal sexual abuse during
25 the course of committing or attempting to commit any other

1 felony; or

2 (7) the person delivers (by injection, inhalation,
3 ingestion, transfer of possession, or any other means) any
4 controlled substance to the victim for other than medical
5 purposes without the victim's consent or by threat or
6 deception. The accused commits aggravated criminal sexual
7 abuse if he or she commits criminal sexual abuse as defined
8 in subsection (a) of Section 12-15 of this Code and any of
9 the following aggravating circumstances existed during, or
10 for the purposes of paragraph (7) of this subsection (a) as
11 part of the same course of conduct as, the commission of
12 the offense:

13 ~~(1) the accused displayed, threatened to use or used a~~
14 ~~dangerous weapon or any object fashioned or utilized in~~
15 ~~such a manner as to lead the victim under the circumstances~~
16 ~~reasonably to believe it to be a dangerous weapon; or~~

17 ~~(2) the accused caused bodily harm to the victim; or~~

18 ~~(3) the victim was 60 years of age or over when the~~
19 ~~offense was committed; or~~

20 ~~(4) the victim was a physically handicapped person; or~~

21 ~~(5) the accused acted in such a manner as to threaten~~
22 ~~or endanger the life of the victim or any other person; or~~

23 ~~(6) the criminal sexual abuse was perpetrated during~~
24 ~~the course of the commission or attempted commission of any~~
25 ~~other felony by the accused; or~~

26 ~~(7) the accused delivered (by injection, inhalation,~~

1 ~~ingestion, transfer of possession, or any other means) to~~
2 ~~the victim without his or her consent, or by threat or~~
3 ~~deception, and for other than medical purposes, any~~
4 ~~controlled substance.~~

5 (b) A person ~~The accused~~ commits aggravated criminal sexual
6 abuse if that person ~~he or she~~ commits an act of sexual conduct
7 with a victim who is ~~was~~ under 18 years of age ~~when the act was~~
8 ~~committed~~ and the person is ~~accused was~~ a family member.

9 (c) A person ~~The accused~~ commits aggravated criminal sexual
10 abuse if:

11 (1) that person is ~~the accused was~~ 17 years of age or
12 over and: (i) commits an act of sexual conduct with a
13 victim who is ~~was~~ under 13 years of age ~~when the act was~~
14 ~~committed~~; or (ii) commits an act of sexual conduct with a
15 victim who is ~~was~~ at least 13 years of age but under 17
16 years of age ~~when the act was committed~~ and the person uses
17 ~~accused used~~ force or threat of force to commit the act; or

18 (2) that person is ~~the accused was~~ under 17 years of
19 age and: (i) commits an act of sexual conduct with a victim
20 who is ~~was~~ under 9 years of age ~~when the act was committed~~;
21 or (ii) commits an act of sexual conduct with a victim who
22 is ~~was~~ at least 9 years of age but under 17 years of age
23 ~~when the act was committed~~ and the person uses ~~accused used~~
24 force or threat of force to commit the act.

25 (d) A person ~~The accused~~ commits aggravated criminal sexual
26 abuse if that person ~~he or she~~ commits an act of sexual

1 penetration or sexual conduct with a victim who is ~~was~~ at least
2 13 years of age but under 17 years of age and the person is
3 ~~accused was~~ at least 5 years older than the victim.

4 (e) A person ~~The accused~~ commits aggravated criminal sexual
5 abuse if that person ~~he or she~~ commits an act of sexual conduct
6 with a victim who is ~~was~~ a severely or profoundly mentally
7 retarded person ~~at the time the act was committed~~.

8 (f) A person ~~The accused~~ commits aggravated criminal sexual
9 abuse if that person ~~he or she~~ commits an act of sexual conduct
10 with a victim who is ~~was~~ at least 13 years of age but under 18
11 years of age ~~when the act was committed~~ and the person is
12 ~~accused was~~ 17 years of age or over and holds ~~held~~ a position
13 of trust, authority, or supervision in relation to the victim.

14 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
15 felony.

16 (Source: P.A. 92-434, eff. 1-1-02.)

17 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

18 Sec. 11-1.70 ~~12-17~~. Defenses with respect to offenses
19 described in Sections 11-1.20 through 11-1.60.

20 (a) It shall be a defense to any offense under Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~12-13 through~~
22 ~~12-16~~ of this Code where force or threat of force is an element
23 of the offense that the victim consented. "Consent" means a
24 freely given agreement to the act of sexual penetration or
25 sexual conduct in question. Lack of verbal or physical

1 resistance or submission by the victim resulting from the use
2 of force or threat of force by the accused shall not constitute
3 consent. The manner of dress of the victim at the time of the
4 offense shall not constitute consent.

5 (b) It shall be a defense under subsection (b) and
6 subsection (c) of Section 11-1.50 ~~12-15~~ and subsection (d) of
7 Section 11-1.60 ~~12-16~~ of this Code that the accused reasonably
8 believed the person to be 17 years of age or over.

9 (c) A person who initially consents to sexual penetration
10 or sexual conduct is not deemed to have consented to any sexual
11 penetration or sexual conduct that occurs after he or she
12 withdraws consent during the course of that sexual penetration
13 or sexual conduct.

14 (Source: P.A. 93-389, eff. 7-25-03.)

15 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

16 Sec. 11-1.80 ~~12-18.1~~. Civil Liability.

17 (a) If any person has been convicted of any offense defined
18 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
19 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such
20 offense has a cause of action for damages against any person or
21 entity who, by the manufacture, production, or wholesale
22 distribution of any obscene material which was possessed or
23 viewed by the person convicted of the offense, proximately
24 caused such person, through his or her reading or viewing of
25 the obscene material, to commit the violation of Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
2 12-14.1, 12-15, or 12-16. No victim may recover in any such
3 action unless he or she proves by a preponderance of the
4 evidence that: (1) the reading or viewing of the specific
5 obscene material manufactured, produced, or distributed
6 wholesale by the defendant proximately caused the person
7 convicted of the violation of Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
9 12-16 to commit such violation and (2) the defendant knew or
10 had reason to know that the manufacture, production, or
11 wholesale distribution of such material was likely to cause a
12 violation of an offense substantially of the type enumerated.

13 (b) The manufacturer, producer or wholesale distributor
14 shall be liable to the victim for:

15 (1) actual damages incurred by the victim, including
16 medical costs;

17 (2) court costs and reasonable attorneys fees;

18 (3) infliction of emotional distress;

19 (4) pain and suffering; and

20 (5) loss of consortium.

21 (c) Every action under this Section shall be commenced
22 within 3 years after the conviction of the defendant for a
23 violation of Section 11-1.20, 11-1.30, 11-1.50, 11-1.60,
24 12-13, 12-14, 12-15 or 12-16 of this Code. However, if the
25 victim was under the age of 18 years at the time of the
26 conviction of the defendant for a violation of Section 11-1.20,

1 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,
2 12-15 or 12-16 of this Code, an action under this Section shall
3 be commenced within 3 years after the victim attains the age of
4 18 years.

5 (d) For the purposes of this Section:

6 (1) "obscene" has the meaning ascribed to it in subsection
7 (b) of Section 11-20 of this Code;

8 (2) "wholesale distributor" means any individual,
9 partnership, corporation, association, or other legal entity
10 which stands between the manufacturer and the retail seller in
11 purchases, consignments, contracts for sale or rental of the
12 obscene material;

13 (3) "producer" means any individual, partnership,
14 corporation, association, or other legal entity which finances
15 or supervises, to any extent, the production or making of
16 obscene material;

17 (4) "manufacturer" means any individual, partnership,
18 corporation, association, or other legal entity which
19 manufactures, assembles or produces obscene material.

20 (Source: P.A. 86-857.)

21 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

22 Sec. 11-6. Indecent solicitation of a child.

23 (a) A person of the age of 17 years and upwards commits ~~the~~
24 ~~offense of~~ indecent solicitation of a child if the person, with
25 the intent that the offense of aggravated criminal sexual

1 assault, criminal sexual assault, predatory criminal sexual
2 assault of a child, or aggravated criminal sexual abuse be
3 committed, knowingly solicits a child or one whom he or she
4 believes to be a child to perform an act of sexual penetration
5 or sexual conduct as defined in Section 11-0.1 ~~12-12~~ of this
6 Code.

7 (a-5) A person of the age of 17 years and upwards commits
8 ~~the offense of~~ indecent solicitation of a child if the person
9 knowingly discusses an act of sexual conduct or sexual
10 penetration with a child or with one whom he or she believes to
11 be a child by means of the Internet with the intent that the
12 offense of aggravated criminal sexual assault, predatory
13 criminal sexual assault of a child, or aggravated criminal
14 sexual abuse be committed.

15 (a-6) It is not a defense to subsection (a-5) that the
16 person did not solicit the child to perform sexual conduct or
17 sexual penetration with the person.

18 (b) Definitions. As used in this Section:

19 "Solicit" means to command, authorize, urge, incite,
20 request, or advise another to perform an act by any means
21 including, but not limited to, in person, over the phone,
22 in writing, by computer, or by advertisement of any kind.

23 "Child" means a person under 17 years of age.

24 "Internet" has the meaning set forth in Section 16J-5
25 of this Code ~~means an interactive computer service or~~
26 ~~system or an information service, system, or access~~

~~software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.~~

"Sexual penetration" or "sexual conduct" are defined in Section 11-0.1 ~~12-12~~ of this Code.

(c) Sentence. Indecent solicitation of a child under subsection (a) is:

(1) a Class 1 felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault;

(2) a Class 2 felony when the act, if done, would be criminal sexual assault;

(3) a Class 3 felony when the act, if done, would be aggravated criminal sexual abuse.

Indecent solicitation of a child under subsection (a-5) is a Class 4 felony.

(Source: P.A. 95-143, eff. 1-1-08.)

(720 ILCS 5/11-6.5)

Sec. 11-6.5. Indecent solicitation of an adult.

1 (a) A person commits indecent solicitation of an adult if
2 the person knowingly:

3 (1) Arranges for a person 17 years of age or over to
4 commit an act of sexual penetration as defined in Section
5 11-0.1 ~~12-12~~ with a person:

6 (i) Under the age of 13 years; or

7 (ii) Thirteen years of age or over but under the
8 age of 17 years; or

9 (2) Arranges for a person 17 years of age or over to
10 commit an act of sexual conduct as defined in Section
11 11-0.1 ~~12-12~~ with a person:

12 (i) Under the age of 13 years; or

13 (ii) Thirteen years of age or older but under the
14 age of 17 years.

15 (b) Sentence.

16 (1) Violation of paragraph (a)(1)(i) is a Class X
17 felony.

18 (2) Violation of paragraph (a)(1)(ii) is a Class 1
19 felony.

20 (3) Violation of paragraph (a)(2)(i) is a Class 2
21 felony.

22 (4) Violation of paragraph (a)(2)(ii) is a Class A
23 misdemeanor.

24 (c) For the purposes of this Section, "arranges" includes
25 but is not limited to oral or written communication and
26 communication by telephone, computer, or other electronic

1 means. "Computer" has the meaning ascribed to it in Section
2 16D-2 of this Code.

3 (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

4 (720 ILCS 5/Art. 11 Subdiv. 10 heading new)

5 SUBDIVISION 10. VULNERABLE VICTIM OFFENSES

6 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

7 Sec. 11-9.1. Sexual exploitation of a child.

8 (a) A ~~Any~~ person commits sexual exploitation of a child if
9 in the presence or virtual presence, or both, of a child and
10 with ~~intent or~~ knowledge that a child or one whom he or she
11 believes to be a child would view his or her acts, that person:

12 (1) engages in a sexual act; or

13 (2) exposes his or her sex organs, anus or breast for
14 the purpose of sexual arousal or gratification of such
15 person or the child or one whom he or she believes to be a
16 child.

17 (a-5) A person commits sexual exploitation of a child who
18 knowingly entices, coerces, or persuades a child to remove the
19 child's clothing for the purpose of sexual arousal or
20 gratification of the person or the child, or both.

21 (b) Definitions. As used in this Section:

22 "Sexual act" means masturbation, sexual conduct or sexual
23 penetration as defined in Section 11-0.1 ~~12-12~~ of this Code.

24 "Sex offense" means any violation of Article 11 of this

1 Code or a ~~violation of Section 12-13, 12-14, 12-14.1, 12-15,~~
2 ~~12-16, or~~ 12-16.2 of this Code.

3 "Child" means a person under 17 years of age.

4 "Virtual presence" means an environment that is created
5 with software and presented to the user and or receiver via the
6 Internet, in such a way that the user appears in front of the
7 receiver on the computer monitor or screen or hand held
8 portable electronic device, usually through a web camming
9 program. "Virtual presence" includes primarily experiencing
10 through sight or sound, or both, a video image that can be
11 explored interactively at a personal computer or hand held
12 communication device, or both.

13 "Webcam" means a video capturing device connected to a
14 computer or computer network that is designed to take digital
15 photographs or live or recorded video which allows for the live
16 transmission to an end user over the Internet.

17 (c) Sentence.

18 (1) Sexual exploitation of a child is a Class A
19 misdemeanor. A second or subsequent violation of this
20 Section or a substantially similar law of another state is
21 a Class 4 felony.

22 (2) Sexual exploitation of a child is a Class 4 felony
23 if the person has been previously convicted of a sex
24 offense.

25 (3) Sexual exploitation of a child is a Class 4 felony
26 if the victim was under 13 years of age at the time of the

1 commission of the offense.

2 (4) Sexual exploitation of a child is a Class 4 felony
3 if committed by a person 18 years of age or older who is on
4 or within 500 feet of elementary or secondary school
5 grounds when children are present on the grounds.

6 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;
7 revised 9-16-10.)

8 (720 ILCS 5/11-9.1A new)

9 Sec. 11-9.1A. Permitting sexual abuse of a child.

10 (a) A person responsible for a child's welfare commits
11 permitting sexual abuse of a child if the person has actual
12 knowledge of and permits an act of sexual abuse upon the child,
13 or permits the child to engage in prostitution as defined in
14 Section 11-14 of the Criminal Code of 1961.

15 (b) In this Section:

16 "Actual knowledge" includes credible allegations made by
17 the child.

18 "Child" means a minor under the age of 17 years.

19 "Person responsible for the child's welfare" means the
20 child's parent, step-parent, legal guardian, or other person
21 having custody of a child, who is responsible for the child's
22 care at the time of the alleged sexual abuse.

23 "Prostitution" means prostitution as defined in Section
24 11-14 of the Criminal Code of 1961.

25 "Sexual abuse" includes criminal sexual abuse or criminal

1 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,
2 11-1.50, or 11-1.60 of the Criminal Code of 1961.

3 (c) This Section does not apply to a person responsible for
4 the child's welfare who, having reason to believe that sexual
5 abuse has occurred, makes timely and reasonable efforts to stop
6 the sexual abuse by reporting the sexual abuse in conformance
7 with the Abused and Neglected Child Reporting Act or by
8 reporting the sexual abuse, or causing a report to be made, to
9 medical or law enforcement authorities or anyone who is a
10 mandated reporter under Section 4 of the Abused and Neglected
11 Child Reporting Act.

12 (d) Whenever a law enforcement officer has reason to
13 believe that the child or the person responsible for the
14 child's welfare has been abused by a family or household member
15 as defined by the Illinois Domestic Violence Act of 1986, the
16 officer shall immediately use all reasonable means to prevent
17 further abuse under Section 112A-30 of the Code of Criminal
18 Procedure of 1963.

19 (e) An order of protection under Section 111-8 of the Code
20 of Criminal Procedure of 1963 shall be sought in all cases
21 where there is reason to believe that a child has been sexually
22 abused by a family or household member. In considering
23 appropriate available remedies, it shall be presumed that
24 awarding physical care or custody to the abuser is not in the
25 child's best interest.

26 (f) A person may not be charged with the offense of

1 permitting sexual abuse of a child under this Section until the
2 person who committed the offense is charged with criminal
3 sexual assault, aggravated criminal sexual assault, predatory
4 criminal sexual assault of a child, criminal sexual abuse,
5 aggravated criminal sexual abuse, or prostitution.

6 (g) A person convicted of permitting the sexual abuse of a
7 child is guilty of a Class 1 felony. As a condition of any
8 sentence of supervision, probation, conditional discharge, or
9 mandatory supervised release, any person convicted under this
10 Section shall be ordered to undergo child sexual abuse,
11 domestic violence, or other appropriate counseling for a
12 specified duration with a qualified social or mental health
13 worker.

14 (h) It is an affirmative defense to a charge of permitting
15 sexual abuse of a child under this Section that the person
16 responsible for the child's welfare had a reasonable
17 apprehension that timely action to stop the abuse or
18 prostitution would result in the imminent infliction of death,
19 great bodily harm, permanent disfigurement, or permanent
20 disability to that person or another in retaliation for
21 reporting.

22 (720 ILCS 5/11-9.2)

23 Sec. 11-9.2. Custodial sexual misconduct.

24 (a) A person commits ~~the offense of~~ custodial sexual
25 misconduct when: (1) he or she is an employee of a penal system

1 and engages in sexual conduct or sexual penetration with a
2 person who is in the custody of that penal system or (2) he or
3 she is an employee of a treatment and detention facility and
4 engages in sexual conduct or sexual penetration with a person
5 who is in the custody of that treatment and detention facility.

6 (b) A probation or supervising officer or surveillance
7 agent commits ~~the offense of~~ custodial sexual misconduct when
8 the probation or supervising officer or surveillance agent
9 engages in sexual conduct or sexual penetration with a
10 probationer, parolee, or releasee or person serving a term of
11 conditional release who is under the supervisory,
12 disciplinary, or custodial authority of the officer or agent so
13 engaging in the sexual conduct or sexual penetration.

14 (c) Custodial sexual misconduct is a Class 3 felony.

15 (d) Any person convicted of violating this Section
16 immediately shall forfeit his or her employment with a penal
17 system, treatment and detention facility, or conditional
18 release program.

19 (e) For purposes of this Section, the consent of the
20 probationer, parolee, releasee, or inmate in custody of the
21 penal system or person detained or civilly committed under the
22 Sexually Violent Persons Commitment Act shall not be a defense
23 to a prosecution under this Section. A person is deemed
24 incapable of consent, for purposes of this Section, when he or
25 she is a probationer, parolee, releasee, or inmate in custody
26 of a penal system or person detained or civilly committed under

1 the Sexually Violent Persons Commitment Act.

2 (f) This Section does not apply to:

3 (1) Any employee, probation or supervising officer, or
4 surveillance agent who is lawfully married to a person in
5 custody if the marriage occurred before the date of
6 custody.

7 (2) Any employee, probation or supervising officer, or
8 surveillance agent who has no knowledge, and would have no
9 reason to believe, that the person with whom he or she
10 engaged in custodial sexual misconduct was a person in
11 custody.

12 (g) In this Section:

13 (1) "Custody" means:

14 (i) pretrial incarceration or detention;

15 (ii) incarceration or detention under a sentence
16 or commitment to a State or local penal institution;

17 (iii) parole or mandatory supervised release;

18 (iv) electronic home detention;

19 (v) probation;

20 (vi) detention or civil commitment either in
21 secure care or in the community under the Sexually
22 Violent Persons Commitment Act.

23 (2) "Penal system" means any system which includes
24 institutions as defined in Section 2-14 of this Code or a
25 county shelter care or detention home established under
26 Section 1 of the County Shelter Care and Detention Home

1 Act.

2 (2.1) "Treatment and detention facility" means any
3 Department of Human Services facility established for the
4 detention or civil commitment of persons under the Sexually
5 Violent Persons Commitment Act.

6 (2.2) "Conditional release" means a program of
7 treatment and services, vocational services, and alcohol
8 or other drug abuse treatment provided to any person
9 civilly committed and conditionally released to the
10 community under the Sexually Violent Persons Commitment
11 Act;

12 (3) "Employee" means:

13 (i) an employee of any governmental agency of this
14 State or any county or municipal corporation that has
15 by statute, ordinance, or court order the
16 responsibility for the care, control, or supervision
17 of pretrial or sentenced persons in a penal system or
18 persons detained or civilly committed under the
19 Sexually Violent Persons Commitment Act;

20 (ii) a contractual employee of a penal system as
21 defined in paragraph (g) (2) of this Section who works
22 in a penal institution as defined in Section 2-14 of
23 this Code;

24 (iii) a contractual employee of a "treatment and
25 detention facility" as defined in paragraph (g) (2.1)
26 of this Code or a contractual employee of the

1 Department of Human Services who provides supervision
2 of persons serving a term of conditional release as
3 defined in paragraph (g) (2.2) of this Code.

4 (4) "Sexual conduct" or "sexual penetration" means any
5 act of sexual conduct or sexual penetration as defined in
6 Section 11-0.1 ~~12-12~~ of this Code.

7 (5) "Probation officer" means any person employed in a
8 probation or court services department as defined in
9 Section 9b of the Probation and Probation Officers Act.

10 (6) "Supervising officer" means any person employed to
11 supervise persons placed on parole or mandatory supervised
12 release with the duties described in Section 3-14-2 of the
13 Unified Code of Corrections.

14 (7) "Surveillance agent" means any person employed or
15 contracted to supervise persons placed on conditional
16 release in the community under the Sexually Violent Persons
17 Commitment Act.

18 (Source: P.A. 92-415, eff. 8-17-01.)

19 (720 ILCS 5/11-9.3)

20 Sec. 11-9.3. Presence within school zone by child sex
21 offenders prohibited; approaching, contacting, residing with,
22 or communicating with a child within certain places by child
23 sex offenders prohibited.

24 (a) It is unlawful for a child sex offender to knowingly be
25 present in any school building, on real property comprising any

1 school, or in any conveyance owned, leased, or contracted by a
2 school to transport students to or from school or a school
3 related activity when persons under the age of 18 are present
4 in the building, on the grounds or in the conveyance, unless
5 the offender is a parent or guardian of a student attending the
6 school and the parent or guardian is: (i) attending a
7 conference at the school with school personnel to discuss the
8 progress of his or her child academically or socially, (ii)
9 participating in child review conferences in which evaluation
10 and placement decisions may be made with respect to his or her
11 child regarding special education services, or (iii) attending
12 conferences to discuss other student issues concerning his or
13 her child such as retention and promotion and notifies the
14 principal of the school of his or her presence at the school or
15 unless the offender has permission to be present from the
16 superintendent or the school board or in the case of a private
17 school from the principal. In the case of a public school, if
18 permission is granted, the superintendent or school board
19 president must inform the principal of the school where the sex
20 offender will be present. Notification includes the nature of
21 the sex offender's visit and the hours in which the sex
22 offender will be present in the school. The sex offender is
23 responsible for notifying the principal's office when he or she
24 arrives on school property and when he or she departs from
25 school property. If the sex offender is to be present in the
26 vicinity of children, the sex offender has the duty to remain

1 under the direct supervision of a school official. ~~A child sex~~
2 ~~offender who violates this provision is guilty of a Class 4~~
3 ~~felony.~~

4 (a-5) It is unlawful for a child sex offender to knowingly
5 be present within 100 feet of a site posted as a pick-up or
6 discharge stop for a conveyance owned, leased, or contracted by
7 a school to transport students to or from school or a school
8 related activity when one or more persons under the age of 18
9 are present at the site.

10 (a-10) It is unlawful for a child sex offender to knowingly
11 be present in any public park building or on real property
12 comprising any public park when persons under the age of 18 are
13 present in the building or on the grounds and to approach,
14 contact, or communicate with a child under 18 years of age,
15 unless the offender is a parent or guardian of a person under
16 18 years of age present in the building or on the grounds.

17 (b) It is unlawful for a child sex offender to knowingly
18 loiter within 500 feet of a school building or real property
19 comprising any school while persons under the age of 18 are
20 present in the building or on the grounds, unless the offender
21 is a parent or guardian of a student attending the school and
22 the parent or guardian is: (i) attending a conference at the
23 school with school personnel to discuss the progress of his or
24 her child academically or socially, (ii) participating in child
25 review conferences in which evaluation and placement decisions
26 may be made with respect to his or her child regarding special

1 education services, or (iii) attending conferences to discuss
2 other student issues concerning his or her child such as
3 retention and promotion and notifies the principal of the
4 school of his or her presence at the school or has permission
5 to be present from the superintendent or the school board or in
6 the case of a private school from the principal. In the case of
7 a public school, if permission is granted, the superintendent
8 or school board president must inform the principal of the
9 school where the sex offender will be present. Notification
10 includes the nature of the sex offender's visit and the hours
11 in which the sex offender will be present in the school. The
12 sex offender is responsible for notifying the principal's
13 office when he or she arrives on school property and when he or
14 she departs from school property. If the sex offender is to be
15 present in the vicinity of children, the sex offender has the
16 duty to remain under the direct supervision of a school
17 official. ~~A child sex offender who violates this provision is~~
18 ~~guilty of a Class 4 felony.~~

19 (b-2) It is unlawful for a child sex offender to knowingly
20 loiter on a public way within 500 feet of a public park
21 building or real property comprising any public park while
22 persons under the age of 18 are present in the building or on
23 the grounds and to approach, contact, or communicate with a
24 child under 18 years of age, unless the offender is a parent or
25 guardian of a person under 18 years of age present in the
26 building or on the grounds.

1 (b-5) It is unlawful for a child sex offender to knowingly
2 reside within 500 feet of a school building or the real
3 property comprising any school that persons under the age of 18
4 attend. Nothing in this subsection (b-5) prohibits a child sex
5 offender from residing within 500 feet of a school building or
6 the real property comprising any school that persons under 18
7 attend if the property is owned by the child sex offender and
8 was purchased before the effective date of this amendatory Act
9 of the 91st General Assembly.

10 (b-10) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a playground, child care institution,
12 day care center, part day child care facility, day care home,
13 group day care home, or a facility providing programs or
14 services exclusively directed toward persons under 18 years of
15 age. Nothing in this subsection (b-10) prohibits a child sex
16 offender from residing within 500 feet of a playground or a
17 facility providing programs or services exclusively directed
18 toward persons under 18 years of age if the property is owned
19 by the child sex offender and was purchased before July 7,
20 2000. Nothing in this subsection (b-10) prohibits a child sex
21 offender from residing within 500 feet of a child care
22 institution, day care center, or part day child care facility
23 if the property is owned by the child sex offender and was
24 purchased before June 26, 2006. Nothing in this subsection
25 (b-10) prohibits a child sex offender from residing within 500
26 feet of a day care home or group day care home if the property

1 is owned by the child sex offender and was purchased before
2 August 14, 2008 (the effective date of Public Act 95-821).

3 (b-15) It is unlawful for a child sex offender to knowingly
4 reside within 500 feet of the victim of the sex offense.
5 Nothing in this subsection (b-15) prohibits a child sex
6 offender from residing within 500 feet of the victim if the
7 property in which the child sex offender resides is owned by
8 the child sex offender and was purchased before August 22,
9 2002.

10 This subsection (b-15) does not apply if the victim of the
11 sex offense is 21 years of age or older.

12 (b-20) It is unlawful for a child sex offender to knowingly
13 communicate, other than for a lawful purpose under Illinois
14 law, using the Internet or any other digital media, with a
15 person under 18 years of age or with a person whom he or she
16 believes to be a person under 18 years of age, unless the
17 offender is a parent or guardian of the person under 18 years
18 of age.

19 (c) It is unlawful for a child sex offender to knowingly
20 operate, manage, be employed by, volunteer at, be associated
21 with, or knowingly be present at any: (i) facility providing
22 programs or services exclusively directed toward persons under
23 the age of 18; (ii) day care center; (iii) part day child care
24 facility; (iv) child care institution; (v) school providing
25 before and after school programs for children under 18 years of
26 age; (vi) day care home; or (vii) group day care home. This

1 does not prohibit a child sex offender from owning the real
2 property upon which the programs or services are offered or
3 upon which the day care center, part day child care facility,
4 child care institution, or school providing before and after
5 school programs for children under 18 years of age is located,
6 provided the child sex offender refrains from being present on
7 the premises for the hours during which: (1) the programs or
8 services are being offered or (2) the day care center, part day
9 child care facility, child care institution, or school
10 providing before and after school programs for children under
11 18 years of age, day care home, or group day care home is
12 operated.

13 (c-5) It is unlawful for a child sex offender to knowingly
14 operate, manage, be employed by, or be associated with any
15 county fair when persons under the age of 18 are present.

16 (c-6) It is unlawful for a child sex offender who owns and
17 resides at residential real estate to knowingly rent any
18 residential unit within the same building in which he or she
19 resides to a person who is the parent or guardian of a child or
20 children under 18 years of age. This subsection shall apply
21 only to leases or other rental arrangements entered into after
22 January 1, 2009 (the effective date of Public Act 95-820).

23 (c-7) It is unlawful for a child sex offender to knowingly
24 offer or provide any programs or services to persons under 18
25 years of age in his or her residence or the residence of
26 another or in any facility for the purpose of offering or

1 providing such programs or services, whether such programs or
2 services are offered or provided by contract, agreement,
3 arrangement, or on a volunteer basis.

4 (c-8) It is unlawful for a child sex offender to knowingly
5 operate, whether authorized to do so or not, any of the
6 following vehicles: (1) a vehicle which is specifically
7 designed, constructed or modified and equipped to be used for
8 the retail sale of food or beverages, including but not limited
9 to an ice cream truck; (2) an authorized emergency vehicle; or
10 (3) a rescue vehicle.

11 (d) ~~(e)~~ Definitions. In this Section:

12 (1) "Child sex offender" means any person who:

13 (i) has been charged under Illinois law, or any
14 substantially similar federal law or law of another
15 state, with a sex offense set forth in paragraph (2) of
16 this subsection (d) ~~(e)~~ or the attempt to commit an
17 included sex offense, and:

18 (A) is convicted of such offense or an attempt
19 to commit such offense; or

20 (B) is found not guilty by reason of insanity
21 of such offense or an attempt to commit such
22 offense; or

23 (C) is found not guilty by reason of insanity
24 pursuant to subsection (c) of Section 104-25 of the
25 Code of Criminal Procedure of 1963 of such offense
26 or an attempt to commit such offense; or

1 (D) is the subject of a finding not resulting
2 in an acquittal at a hearing conducted pursuant to
3 subsection (a) of Section 104-25 of the Code of
4 Criminal Procedure of 1963 for the alleged
5 commission or attempted commission of such
6 offense; or

7 (E) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a
9 federal law or the law of another state
10 substantially similar to subsection (c) of Section
11 104-25 of the Code of Criminal Procedure of 1963 of
12 such offense or of the attempted commission of such
13 offense; or

14 (F) is the subject of a finding not resulting
15 in an acquittal at a hearing conducted pursuant to
16 a federal law or the law of another state
17 substantially similar to subsection (a) of Section
18 104-25 of the Code of Criminal Procedure of 1963
19 for the alleged violation or attempted commission
20 of such offense; or

21 (ii) is certified as a sexually dangerous person
22 pursuant to the Illinois Sexually Dangerous Persons
23 Act, or any substantially similar federal law or the
24 law of another state, when any conduct giving rise to
25 such certification is committed or attempted against a
26 person less than 18 years of age; or

1 (iii) is subject to the provisions of Section 2 of
2 the Interstate Agreements on Sexually Dangerous
3 Persons Act.

4 Convictions that result from or are connected with the
5 same act, or result from offenses committed at the same
6 time, shall be counted for the purpose of this Section as
7 one conviction. Any conviction set aside pursuant to law is
8 not a conviction for purposes of this Section.

9 (2) Except as otherwise provided in paragraph (2.5),
10 "sex offense" means:

11 (i) A violation of any of the following Sections of
12 the Criminal Code of 1961: 10-7 (aiding or abetting
13 child abduction under Section 10-5(b)(10)),
14 10-5(b)(10) (child luring), 11-1.40 (predatory
15 criminal sexual assault of a child), 11-6 (indecent
16 solicitation of a child), 11-6.5 (indecent
17 solicitation of an adult), ~~11-9 (public indecency when~~
18 ~~committed in a school, on the real property comprising~~
19 ~~a school, or on a conveyance, owned, leased, or~~
20 ~~contracted by a school to transport students to or from~~
21 ~~school or a school related activity)~~, 11-9.1 (sexual
22 exploitation of a child), 11-14.4 (promoting juvenile
23 prostitution), ~~11-15.1 (soliciting for a juvenile~~
24 ~~prostitute)~~, ~~11-17.1 (keeping a place of juvenile~~
25 ~~prostitution)~~, 11-18.1 (patronizing a juvenile
26 prostitute), ~~11-19.1 (juvenile pimping)~~, ~~11-19.2~~

1 ~~(exploitation of a child)~~, 11-20.1 (child
2 pornography), 11-20.1B ~~11-20.3~~ (aggravated child
3 pornography), 11-21 (harmful material), ~~12-14.1~~
4 ~~(predatory criminal sexual assault of a child)~~, 12-33
5 (ritualized abuse of a child), 11-20 (obscenity) (when
6 that offense was committed in any school, on real
7 property comprising any school, in any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related
10 activity, or in a public park), 11-30 (public
11 indecenty) (when committed in a school, on real
12 property comprising a school, in any conveyance owned,
13 leased, or contracted by a school to transport students
14 to or from school or a school related activity, or in a
15 public park). An attempt to commit any of these
16 offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal
20 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal
21 sexual assault), 11-1.50 ~~12-15~~ (criminal sexual
22 abuse), 11-1.60 ~~12-16~~ (aggravated criminal sexual
23 abuse). An attempt to commit any of these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age and the defendant is not a

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this State
8 substantially equivalent to any offense listed in
9 clause (2)(i) of subsection (d) ~~(e)~~ of this Section.

10 (2.5) For the purposes of subsections ~~subsection~~ (b-5)
11 and (b-10) only, a sex offense means:

12 (i) A violation of any of the following Sections of
13 the Criminal Code of 1961:

14 10-5(b)(10) (child luring), 10-7 (aiding or
15 abetting child abduction under Section 10-5(b)(10)),
16 11-1.40 (predatory criminal sexual assault of a
17 child), 11-6 (indecent solicitation of a child),
18 11-6.5 (indecent solicitation of an adult), 11-14.4
19 (promoting juvenile prostitution), ~~11-15.1 (soliciting~~
20 ~~for a juvenile prostitute)~~, ~~11-17.1 (keeping a place of~~
21 ~~juvenile prostitution)~~, 11-18.1 (patronizing a
22 juvenile prostitute), ~~11-19.1 (juvenile pimping)~~,
23 ~~11-19.2 (exploitation of a child)~~, 11-20.1 (child
24 pornography), 11-20.1B ~~11-20.3~~ (aggravated child
25 pornography), ~~12-14.1 (predatory criminal sexual~~
26 ~~assault of a child)~~, or 12-33 (ritualized abuse of a

1 child). An attempt to commit any of these offenses.

2 (ii) A violation of any of the following Sections
3 of the Criminal Code of 1961, when the victim is a
4 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal
5 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal
6 sexual assault), 11-1.60 ~~12-16~~ (aggravated criminal
7 sexual abuse), and subsection (a) of Section 11-1.50
8 ~~12-15~~ (criminal sexual abuse). An attempt to commit any
9 of these offenses.

10 (iii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age and the defendant is not a
13 parent of the victim:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (iv) A violation of any former law of this State
20 substantially equivalent to any offense listed in this
21 paragraph (2.5) of this subsection.

22 (3) A conviction for an offense of federal law or the
23 law of another state that is substantially equivalent to
24 any offense listed in paragraph (2) of subsection (d) ~~(e)~~
25 of this Section shall constitute a conviction for the
26 purpose of this Section ~~Article~~. A finding or adjudication

1 as a sexually dangerous person under any federal law or law
2 of another state that is substantially equivalent to the
3 Sexually Dangerous Persons Act shall constitute an
4 adjudication for the purposes of this Section.

5 (4) "Authorized emergency vehicle", "rescue vehicle",
6 and "vehicle" have the meanings ascribed to them in
7 Sections 1-105, 1-171.8 and 1-217, respectively, of the
8 Illinois Vehicle Code.

9 (5) "Child care institution" has the meaning ascribed
10 to it in Section 2.06 of the Child Care Act of 1969.

11 (6) "Day care center" has the meaning ascribed to it in
12 Section 2.09 of the Child Care Act of 1969.

13 (7) "Day care home" has the meaning ascribed to it in
14 Section 2.18 of the Child Care Act of 1969.

15 (8) "Facility providing programs or services directed
16 towards persons under the age of 18" means any facility
17 providing programs or services exclusively directed
18 towards persons under the age of 18.

19 (9) "Group day care home" has the meaning ascribed to
20 it in Section 2.20 of the Child Care Act of 1969.

21 (10) "Internet" has the meaning set forth in Section
22 16J-5 of this Code.

23 ~~(4) "School" means a public or private pre-school,~~
24 ~~elementary, or secondary school.~~

25 (11) ~~(5)~~ "Loiter" means:

26 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle, or remaining in or around
2 school or public park property.

3 (ii) Standing, sitting idly, whether or not the
4 person is in a vehicle, or remaining in or around
5 school or public park property, for the purpose of
6 committing or attempting to commit a sex offense.

7 (iii) Entering or remaining in a building in or
8 around school property, other than the offender's
9 residence.

10 (12) "Part day child care facility" has the meaning
11 ascribed to it in Section 2.10 of the Child Care Act of
12 1969.

13 (13) "Playground" means a piece of land owned or
14 controlled by a unit of local government that is designated
15 by the unit of local government for use solely or primarily
16 for children's recreation.

17 (14) "Public park" includes a park, forest preserve, or
18 conservation area under the jurisdiction of the State or a
19 unit of local government.

20 (15) "School" means a public or private preschool or
21 elementary or secondary school.

22 (16) ~~(6)~~ "School official" means the principal, a
23 teacher, or any other certified employee of the school, the
24 superintendent of schools or a member of the school board.

25 (e) ~~(e-5)~~ For the purposes of this Section, the 500 feet
26 distance shall be measured from: (1) the edge of the property

1 of the school building or the real property comprising the
2 school that is closest to the edge of the property of the child
3 sex offender's residence or where he or she is loitering, and
4 (2) the edge of the property comprising the public park
5 building or the real property comprising the public park,
6 playground, child care institution, day care center, part day
7 child care facility, or facility providing programs or services
8 exclusively directed toward persons under 18 years of age, or a
9 victim of the sex offense who is under 21 years of age, to the
10 edge of the child sex offender's place of residence or place
11 where he or she is loitering.

12 (f) ~~(d)~~ Sentence. A person who violates this Section is
13 guilty of a Class 4 felony.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;
15 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;
16 96-328, eff. 8-11-09; 96-710, eff. 1-1-10.)

17 (720 ILCS 5/11-9.5)

18 Sec. 11-9.5. Sexual misconduct with a person with a
19 disability.

20 (a) Definitions. As used in this Section:

21 (1) "Person with a disability" means:

22 (i) a person diagnosed with a developmental
23 disability as defined in Section 1-106 of the Mental
24 Health and Developmental Disabilities Code; or

25 (ii) a person diagnosed with a mental illness as

1 defined in Section 1-129 of the Mental Health and
2 Developmental Disabilities Code.

3 (2) "State-operated facility" means:

4 (i) a developmental disability facility as defined
5 in the Mental Health and Developmental Disabilities
6 Code; or

7 (ii) a mental health facility as defined in the
8 Mental Health and Developmental Disabilities Code.

9 (3) "Community agency" or "agency" means any community
10 entity or program providing residential mental health or
11 developmental disabilities services that is licensed,
12 certified, or funded by the Department of Human Services
13 and not licensed or certified by any other human service
14 agency of the State such as the Departments of Public
15 Health, Healthcare and Family Services, and Children and
16 Family Services.

17 (4) "Care and custody" means admission to a
18 State-operated facility.

19 (5) "Employee" means:

20 (i) any person employed by the Illinois Department
21 of Human Services;

22 (ii) any person employed by a community agency
23 providing services at the direction of the owner or
24 operator of the agency on or off site; or

25 (iii) any person who is a contractual employee or
26 contractual agent of the Department of Human Services

1 or the community agency. This includes but is not
2 limited to payroll personnel, contractors,
3 subcontractors, and volunteers.

4 (6) "Sexual conduct" or "sexual penetration" means any
5 act of sexual conduct or sexual penetration as defined in
6 Section 11-0.1 ~~12-12~~ of this Code.

7 (b) A person commits ~~the offense of~~ sexual misconduct with
8 a person with a disability when:

9 (1) he or she is an employee and knowingly engages in
10 sexual conduct or sexual penetration with a person with a
11 disability who is under the care and custody of the
12 Department of Human Services at a State-operated facility;
13 or

14 (2) he or she is an employee of a community agency
15 funded by the Department of Human Services and knowingly
16 engages in sexual conduct or sexual penetration with a
17 person with a disability who is in a residential program
18 operated or supervised by a community agency.

19 (c) For purposes of this Section, the consent of a person
20 with a disability in custody of the Department of Human
21 Services residing at a State-operated facility or receiving
22 services from a community agency shall not be a defense to a
23 prosecution under this Section. A person is deemed incapable of
24 consent, for purposes of this Section, when he or she is a
25 person with a disability and is receiving services at a
26 State-operated facility or is a person with a disability who is

1 in a residential program operated or supervised by a community
2 agency.

3 (d) This Section does not apply to:

4 (1) any State employee or any community agency employee
5 who is lawfully married to a person with a disability in
6 custody of the Department of Human Services or receiving
7 services from a community agency if the marriage occurred
8 before the date of custody or the initiation of services at
9 a community agency; or

10 (2) any State employee or community agency employee who
11 has no knowledge, and would have no reason to believe, that
12 the person with whom he or she engaged in sexual misconduct
13 was a person with a disability in custody of the Department
14 of Human Services or was receiving services from a
15 community agency.

16 (e) Sentence. Sexual misconduct with a person with a
17 disability is a Class 3 felony.

18 (f) Any person convicted of violating this Section shall
19 immediately forfeit his or her employment with the State or the
20 community agency.

21 (Source: P.A. 94-1053, eff. 7-24-06.)

22 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

23 Sec. 11-11. Sexual Relations Within Families.

24 (a) A person commits sexual relations within families if he
25 or she:

1 (1) Commits an act of sexual penetration as defined in
2 Section 11-0.1 ~~12-12~~ of this Code; and

3 (2) The person knows that he or she is related to the
4 other person as follows: (i) Brother or sister, either of
5 the whole blood or the half blood; or (ii) Father or
6 mother, when the child, regardless of legitimacy and
7 regardless of whether the child was of the whole blood or
8 half-blood or was adopted, was 18 years of age or over when
9 the act was committed; or (iii) Stepfather or stepmother,
10 when the stepchild was 18 years of age or over when the act
11 was committed; or (iv) Aunt or uncle, when the niece or
12 nephew was 18 years of age or over when the act was
13 committed; or (v) Great-aunt or great-uncle, when the
14 grand-niece or grand-nephew was 18 years of age or over
15 when the act was committed; or (vi) Grandparent or
16 step-grandparent, when the grandchild or step-grandchild
17 was 18 years of age or over when the act was committed.

18 (b) Sentence. Sexual relations within families is a Class 3
19 felony.

20 (Source: P.A. 96-233, eff. 1-1-10.)

21 (720 ILCS 5/Art. 11 Subdiv. 15 heading new)

22 SUBDIVISION 15. PROSTITUTION OFFENSES

23 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

24 Sec. 11-14. Prostitution.

1 (a) Any person who knowingly performs, offers or agrees to
2 perform any act of sexual penetration as defined in Section
3 11-0.1 ~~12-12~~ of this Code for ~~any money, property, token,~~
4 ~~object, or article~~ or anything of value, or any touching or
5 fondling of the sex organs of one person by another person, for
6 ~~any money, property, token, object, or article~~ or anything of
7 value, for the purpose of sexual arousal or gratification
8 commits an act of prostitution.

9 (b) Sentence.

10 A violation of this Section is a Class A misdemeanor,
11 unless committed within 1,000 feet of real property comprising
12 a school, in which case it is a Class 4 felony. A second or
13 subsequent violation of this Section, or any combination of
14 convictions under this Section and Section 11-14.1
15 (solicitation of a sexual act), 11-14.3 (promoting
16 prostitution), 11-14.4 (promoting juvenile prostitution),
17 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a
18 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
19 place of prostitution), 11-17.1 (keeping a place of juvenile
20 prostitution), 11-18 (patronizing a prostitute), 11-18.1
21 (patronizing a juvenile prostitute), 11-19 (pimping), 11-19.1
22 (juvenile pimping or aggravated juvenile pimping), or 11-19.2
23 (exploitation of a child), is a Class 4 felony. Prostitution is
24 ~~a Class A misdemeanor. A person convicted of a second or~~
25 ~~subsequent violation of this Section, or of any combination of~~
26 ~~such number of convictions under this Section and Sections~~

1 ~~11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,~~
2 ~~11-18.1, 11-19, 11-19.1, or 11-19.2 of this Code is guilty of a~~
3 ~~Class 4 felony. When a person has one or more prior~~
4 ~~convictions, the information or indictment charging that~~
5 ~~person shall state such prior conviction so as to give notice~~
6 ~~of the State's intention to treat the charge as a felony. The~~
7 ~~fact of such prior conviction is not an element of the offense~~
8 ~~and may not be disclosed to the jury during trial unless~~
9 ~~otherwise permitted by issues properly raised during such~~
10 ~~trial.~~

11 (c) First offender; felony prostitution.

12 (1) Whenever any person who has not previously been
13 convicted of or placed on probation for felony prostitution
14 or any law of the United States or of any other state
15 relating to felony prostitution pleads guilty to or is
16 found guilty of felony prostitution, the court, without
17 entering a judgment and with the consent of such person,
18 may sentence the person to probation.

19 (2) When a person is placed on probation, the court
20 shall enter an order specifying a period of probation of 24
21 months and shall defer further proceedings in the case
22 until the conclusion of the period or until the filing of a
23 petition alleging violation of a term or condition of
24 probation.

25 (3) The conditions of probation shall be that the
26 person: (i) not violate any criminal statute of any

1 jurisdiction; (ii) refrain from possessing a firearm or
2 other dangerous weapon; (iii) submit to periodic drug
3 testing at a time and in a manner as ordered by the court,
4 but no less than 3 times during the period of the
5 probation, with the cost of the testing to be paid by the
6 probationer; and (iv) perform no less than 30 hours of
7 community service, provided community service is available
8 in the jurisdiction and is funded and approved by the
9 county board.

10 (4) The court may, in addition to other conditions,
11 require that the person:

12 (A) make a report to and appear in person before or
13 participate with the court or such courts, person, or
14 social service agency as directed by the court in the
15 order of probation;

16 (B) pay a fine and costs;

17 (C) work or pursue a course of study or vocational
18 training;

19 (D) undergo medical or psychiatric treatment; or
20 treatment or rehabilitation by a provider approved by
21 the Illinois Department of Human Services;

22 (E) attend or reside in a facility established for
23 the instruction or residence of defendants on
24 probation;

25 (F) support his or her dependents;

26 (G) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the Cannabis
2 Control Act or the Illinois Controlled Substances Act,
3 unless prescribed by a physician, and submit samples of
4 his or her blood or urine or both for tests to
5 determine the presence of any illicit drug.

6 (5) Upon violation of a term or condition of probation,
7 the court may enter a judgment on its original finding of
8 guilt and proceed as otherwise provided.

9 (6) Upon fulfillment of the terms and conditions of
10 probation, the court shall discharge the person and dismiss
11 the proceedings against him or her.

12 (7) A disposition of probation is considered to be a
13 conviction for the purposes of imposing the conditions of
14 probation and for appeal, however, discharge and dismissal
15 under this subsection is not a conviction for purposes of
16 this Code or for purposes of disqualifications or
17 disabilities imposed by law upon conviction of a crime.

18 (8) There may be only one discharge and dismissal under
19 this Section.

20 (9) If a person is convicted of prostitution within 5
21 years subsequent to a discharge and dismissal under this
22 subsection, the discharge and dismissal under this
23 subsection shall be admissible in the sentencing
24 proceeding for that conviction as evidence in aggravation.
25 ~~A person who violates this Section within 1,000 feet of~~
26 ~~real property comprising a school commits a Class 4 felony.~~

1 (d) Notwithstanding the foregoing, if it is determined,
2 after a reasonable detention for investigative purposes, that a
3 person suspected of or charged with a violation of this Section
4 is a person under the age of 18, that person shall be immune
5 from prosecution for a prostitution offense under this Section,
6 and shall be subject to the temporary protective custody
7 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of
8 1987. Pursuant to the provisions of Section 2-6 of the Juvenile
9 Court Act of 1987, a law enforcement officer who takes a person
10 under 18 years of age into custody under this Section shall
11 immediately report an allegation of a violation of Section 10-9
12 of this Code to the Illinois Department of Children and Family
13 Services State Central Register, which shall commence an
14 initial investigation into child abuse or child neglect within
15 24 hours pursuant to Section 7.4 of the Abused and Neglected
16 Child Reporting Act.

17 (Source: P.A. 96-1464, eff. 8-20-10.)

18 (720 ILCS 5/11-14.1)

19 Sec. 11-14.1. Solicitation of a sexual act.

20 (a) Any person who offers a person not his or her spouse
21 any money, property, token, object, or article or anything of
22 value for that person or any other person not his or her spouse
23 to perform any act of sexual penetration as defined in Section
24 11-0.1 ~~12-12~~ of this Code, or any touching or fondling of the
25 sex organs of one person by another person for the purpose of

1 sexual arousal or gratification, commits ~~the offense of~~
2 solicitation of a sexual act.

3 (b) Sentence. Solicitation of a sexual act is a Class A
4 misdemeanor. Solicitation of a sexual act from a person who is
5 under the age of 18 or who is severely or profoundly mentally
6 retarded is a Class 4 felony.

7 (b-5) It is an affirmative defense to a charge of
8 solicitation of a sexual act with a person who is under the age
9 of 18 or who is severely or profoundly mentally retarded that
10 the accused reasonably believed the person was of the age of 18
11 years or over or was not a severely or profoundly mentally
12 retarded person at the time of the act giving rise to the
13 charge.

14 (Source: P.A. 96-1464, eff. 8-20-10.)

15 (720 ILCS 5/11-14.3 new)

16 Sec. 11-14.3. Promoting prostitution.

17 (a) Any person who knowingly performs any of the following
18 acts commits promoting prostitution:

19 (1) advances prostitution as defined in Section
20 11-0.1;

21 (2) profits from prostitution by:

22 (A) compelling a person to become a prostitute;

23 (B) arranging or offering to arrange a situation in
24 which a person may practice prostitution; or

25 (C) any means other than those described in

1 subparagraph (A) or (B), including from a person who
2 patronizes a prostitute. This paragraph (C) does not
3 apply to a person engaged in prostitution who is under
4 18 years of age. A person cannot be convicted of
5 promoting prostitution under this paragraph (C) if the
6 practice of prostitution underlying the offense
7 consists exclusively of the accused's own acts of
8 prostitution under Section 11-14 of this Code.

9 (b) Sentence.

10 (1) A violation of subdivision (a)(1) is a Class 4
11 felony, unless committed within 1,000 feet of real property
12 comprising a school, in which case it is a Class 3 felony.
13 A second or subsequent violation of subdivision (a)(1), or
14 any combination of convictions under subdivision (a)(1),
15 (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution),
16 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting
17 juvenile prostitution), 11-15 (soliciting for a
18 prostitute), 11-15.1 (soliciting for a juvenile
19 prostitute), 11-16 (pandering), 11-17 (keeping a place of
20 prostitution), 11-17.1 (keeping a place of juvenile
21 prostitution), 11-18 (patronizing a prostitute), 11-18.1
22 (patronizing a juvenile prostitute), 11-19 (pimping),
23 11-19.1 (juvenile pimping or aggravated juvenile pimping),
24 or 11-19.2 (exploitation of a child), is a Class 3 felony.

25 (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)
26 is a Class 4 felony, unless committed within 1,000 feet of

1 real property comprising a school, in which case it is a
2 Class 3 felony.

3 (3) A violation of subdivision (a) (2) (C) is a Class 4
4 felony, unless committed within 1,000 feet of real property
5 comprising a school, in which case it is a Class 3 felony.
6 A second or subsequent violation of subdivision (a) (2) (C),
7 or any combination of convictions under subdivision
8 (a) (2) (C) and subdivision (a) (1), (a) (2) (A), or (a) (2) (B)
9 of this Section (promoting prostitution), 11-14
10 (prostitution), 11-14.1 (solicitation of a sexual act),
11 11-14.4 (promoting juvenile prostitution), 11-15
12 (soliciting for a prostitute), 11-15.1 (soliciting for a
13 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
14 place of prostitution), 11-17.1 (keeping a place of
15 juvenile prostitution), 11-18 (patronizing a prostitute),
16 11-18.1 (patronizing a juvenile prostitute), 11-19
17 (pimping), 11-19.1 (juvenile pimping or aggravated
18 juvenile pimping), or 11-19.2 (exploitation of a child), is
19 a Class 3 felony.

20 (720 ILCS 5/11-14.4 new)

21 Sec. 11-14.4. Promoting juvenile prostitution.

22 (a) Any person who knowingly performs any of the following
23 acts commits promoting juvenile prostitution:

24 (1) advances prostitution as defined in Section
25 11-0.1, where the minor engaged in prostitution, or any

1 person engaged in prostitution in the place, is under 18
2 years of age or is severely or profoundly mentally retarded
3 at the time of the offense;

4 (2) profits from prostitution by any means where the
5 prostituted person is under 18 years of age or is severely
6 or profoundly mentally retarded at the time of the offense;

7 (3) profits from prostitution by any means where the
8 prostituted person is under 13 years of age at the time of
9 the offense;

10 (4) confines a child under the age of 18 or a severely
11 or profoundly mentally retarded person against his or her
12 will by the infliction or threat of imminent infliction of
13 great bodily harm or permanent disability or disfigurement
14 or by administering to the child or severely or profoundly
15 mentally retarded person, without his or her consent or by
16 threat or deception and for other than medical purposes,
17 any alcoholic intoxicant or a drug as defined in the
18 Illinois Controlled Substances Act or the Cannabis Control
19 Act or methamphetamine as defined in the Methamphetamine
20 Control and Community Protection Act and:

21 (A) compels the child or severely or profoundly
22 mentally retarded person to engage in prostitution;

23 (B) arranges a situation in which the child or
24 severely or profoundly mentally retarded person may
25 practice prostitution; or

26 (C) profits from prostitution by the child or

1 severely or profoundly mentally retarded person.

2 (b) For purposes of this Section, administering drugs, as
3 defined in subdivision (a) (4), or an alcoholic intoxicant to a
4 child under the age of 13 or a severely or profoundly mentally
5 retarded person shall be deemed to be without consent if the
6 administering is done without the consent of the parents or
7 legal guardian or if the administering is performed by the
8 parents or legal guardian for other than medical purposes.

9 (c) If the accused did not have a reasonable opportunity to
10 observe the prostituted person, it is an affirmative defense to
11 a charge of promoting juvenile prostitution, except for a
12 charge under subdivision (a) (4), that the accused reasonably
13 believed the person was of the age of 18 years or over or was
14 not a severely or profoundly mentally retarded person at the
15 time of the act giving rise to the charge.

16 (d) Sentence. A violation of subdivision (a) (1) is a Class
17 1 felony, unless committed within 1,000 feet of real property
18 comprising a school, in which case it is a Class X felony. A
19 violation of subdivision (a) (2) is a Class 1 felony. A
20 violation of subdivision (a) (3) is a Class X felony. A
21 violation of subdivision (a) (4) is a Class X felony, for which
22 the person shall be sentenced to a term of imprisonment of not
23 less than 6 years and not more than 60 years. A second or
24 subsequent violation of subdivision (a) (1), (a) (2), or (a) (3),
25 or any combination of convictions under subdivision (a) (1),
26 (a) (2), or (a) (3) and Sections 11-14 (prostitution), 11-14.1

1 (solicitation of a sexual act), 11-14.3 (promoting
2 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
3 (soliciting for a juvenile prostitute), 11-16 (pandering),
4 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
5 place of juvenile prostitution), 11-18 (patronizing a
6 prostitute), 11-18.1 (patronizing a juvenile prostitute),
7 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
8 juvenile pimping), or 11-19.2 (exploitation of a child) of this
9 Code, is a Class X felony.

10 (e) Forfeiture. Any person convicted of a violation of this
11 Section that involves promoting juvenile prostitution by
12 keeping a place of juvenile prostitution or convicted of a
13 violation of subdivision (a)(4) is subject to the property
14 forfeiture provisions set forth in Article 124B of the Code of
15 Criminal Procedure of 1963.

16 (f) For the purposes of this Section, "prostituted person"
17 means any person who engages in, or agrees or offers to engage
18 in, any act of sexual penetration as defined in Section 11-0.1
19 of this Code for any money, property, token, object, or article
20 or anything of value, or any touching or fondling of the sex
21 organs of one person by another person, for any money,
22 property, token, object, or article or anything of value, for
23 the purpose of sexual arousal or gratification.

24 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

25 Sec. 11-18. Patronizing a prostitute.

1 (a) Any person who knowingly performs any of the following
2 acts with a person not his or her spouse commits ~~the offense of~~
3 patronizing a prostitute:

4 (1) Engages in an act of sexual penetration as defined
5 in Section 11-0.1 ~~12-12~~ of this Code with a prostitute; or

6 (2) Enters or remains in a place of prostitution with
7 intent to engage in an act of sexual penetration as defined
8 in Section 11-0.1 ~~12-12~~ of this Code; or.

9 (3) Engages in any touching or fondling with a
10 prostitute of the sex organs of one person by the other
11 person, with the intent to achieve sexual arousal or
12 gratification.

13 (b) Sentence.

14 Patronizing a prostitute is a Class 4 felony, unless
15 committed within 1,000 feet of real property comprising a
16 school, in which case it is a Class 3 felony. A person
17 convicted of a second or subsequent violation of this Section,
18 or of any combination of such number of convictions under this
19 Section and Sections 11-14 (prostitution), 11-14.1
20 (solicitation of a sexual act), 11-14.3 (promoting
21 prostitution), 11-14.4 (promoting juvenile prostitution),
22 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a
23 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a
24 place of prostitution), 11-17.1 (keeping a place of juvenile
25 prostitution), 11-18.1 (patronizing a juvenile prostitute),
26 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated

1 juvenile pimping), or 11-19.2 (exploitation of a child) of this
2 Code, is guilty of a Class 3 felony. ~~The fact of such~~
3 ~~conviction is not an element of the offense and may not be~~
4 ~~disclosed to the jury during trial unless otherwise permitted~~
5 ~~by issues properly raised during such trial.~~

6 (c) (Blank). ~~A person who violates this Section within~~
7 ~~1,000 feet of real property comprising a school commits a Class~~
8 ~~3 felony.~~

9 (Source: P.A. 96-1464, eff. 8-20-10.)

10 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

11 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

12 (a) Any person who engages in an act of sexual penetration
13 as defined in Section 11-0.1 ~~12-12~~ of this Code with a person
14 engaged in prostitution who is under 18 years of age or is a
15 severely or profoundly mentally retarded person commits ~~the~~
16 ~~offense of~~ patronizing a minor engaged in prostitution.

17 (a-5) Any person who engages in any touching or fondling,
18 with a person engaged in prostitution who either is under 18
19 years of age or is a severely or profoundly mentally retarded
20 person, of the sex organs of one person by the other person,
21 with the intent to achieve sexual arousal or gratification,
22 commits patronizing a minor engaged in prostitution.

23 (b) It is an affirmative defense to the charge of
24 patronizing a minor engaged in prostitution that the accused
25 reasonably believed that the person was of the age of 18 years

1 or over or was not a severely or profoundly mentally retarded
2 person at the time of the act giving rise to the charge.

3 (c) Sentence. A person who commits patronizing a juvenile
4 prostitute is guilty of a Class 3 felony, unless committed
5 within 1,000 feet of real property comprising a school, in
6 which case it is a Class 2 felony. A person convicted of a
7 second or subsequent violation of this Section, or of any
8 combination of such number of convictions under this Section
9 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
10 sexual act), 11-14.3 (promoting prostitution), 11-14.4
11 (promoting juvenile prostitution), 11-15 (soliciting for a
12 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
13 11-16 (pandering), 11-17 (keeping a place of prostitution),
14 11-17.1 (keeping a place of juvenile prostitution), 11-18
15 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
16 pimping or aggravated juvenile pimping), or 11-19.2
17 (exploitation of a child) of this Code, is guilty of a Class 2
18 felony. The fact of such conviction is not an element of the
19 offense and may not be disclosed to the jury during trial
20 unless otherwise permitted by issues properly raised during
21 such trial. ~~A person who violates this Section within 1,000~~
22 ~~feet of real property comprising a school commits a Class 2~~
23 ~~felony.~~

24 (Source: P.A. 96-1464, eff. 8-20-10.)

25 (720 ILCS 5/Art. 11 Subdiv. 20 heading new)

1 SUBDIVISION 20. PORNOGRAPHY OFFENSES

2 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

3 Sec. 11-20. Obscenity.

4 (a) Elements of the Offense. A person commits obscenity
5 when, with knowledge of the nature or content thereof, or
6 recklessly failing to exercise reasonable inspection which
7 would have disclosed the nature or content thereof, he or she:

8 (1) Sells, delivers or provides, or offers or agrees to
9 sell, deliver or provide any obscene writing, picture,
10 record or other representation or embodiment of the
11 obscene; or

12 (2) Presents or directs an obscene play, dance or other
13 performance or participates directly in that portion
14 thereof which makes it obscene; or

15 (3) Publishes, exhibits or otherwise makes available
16 anything obscene; or

17 (4) Performs an obscene act or otherwise presents an
18 obscene exhibition of his or her body for gain; or

19 (5) Creates, buys, procures or possesses obscene
20 matter or material with intent to disseminate it in
21 violation of this Section, or of the penal laws or
22 regulations of any other jurisdiction; or

23 (6) Advertises or otherwise promotes the sale of
24 material represented or held out by him or her to be
25 obscene, whether or not it is obscene.

1 (b) Obscene Defined.

2 Any material or performance is obscene if: (1) the average
3 person, applying contemporary adult community standards, would
4 find that, taken as a whole, it appeals to the prurient
5 interest; and (2) the average person, applying contemporary
6 adult community standards, would find that it depicts or
7 describes, in a patently offensive way, ultimate sexual acts or
8 sadomasochistic sexual acts, whether normal or perverted,
9 actual or simulated, or masturbation, excretory functions or
10 lewd exhibition of the genitals; and (3) taken as a whole, it
11 lacks serious literary, artistic, political or scientific
12 value.

13 (c) Interpretation of Evidence.

14 Obscenity shall be judged with reference to ordinary
15 adults, except that it shall be judged with reference to
16 children or other specially susceptible audiences if it appears
17 from the character of the material or the circumstances of its
18 dissemination to be specially designed for or directed to such
19 an audience.

20 Where circumstances of production, presentation, sale,
21 dissemination, distribution, or publicity indicate that
22 material is being commercially exploited for the sake of its
23 prurient appeal, such evidence is probative with respect to the
24 nature of the matter and can justify the conclusion that the
25 matter is lacking in serious literary, artistic, political or
26 scientific value.

1 In any prosecution for an offense under this Section
2 evidence shall be admissible to show:

3 (1) The character of the audience for which the
4 material was designed or to which it was directed;

5 (2) What the predominant appeal of the material would
6 be for ordinary adults or a special audience, and what
7 effect, if any, it would probably have on the behavior of
8 such people;

9 (3) The artistic, literary, scientific, educational or
10 other merits of the material, or absence thereof;

11 (4) The degree, if any, of public acceptance of the
12 material in this State;

13 (5) Appeal to prurient interest, or absence thereof, in
14 advertising or other promotion of the material;

15 (6) Purpose of the author, creator, publisher or
16 disseminator.

17 (d) Sentence.

18 Obscenity is a Class A misdemeanor. A second or subsequent
19 offense is a Class 4 felony.

20 (e) Permissive Inference ~~Prima Facie Evidence~~.

21 The trier of fact may infer an intent to disseminate from
22 the creation, purchase, procurement or possession of a mold,
23 engraved plate or other embodiment of obscenity specially
24 adapted for reproducing multiple copies, or the possession of
25 more than 3 copies of obscene material ~~shall be prima facie~~
26 ~~evidence of an intent to disseminate.~~

1 (f) Affirmative Defenses.

2 It shall be an affirmative defense to obscenity that the
3 dissemination:

4 (1) Was not for gain and was made to personal
5 associates other than children under 18 years of age;

6 (2) Was to institutions or individuals having
7 scientific or other special justification for possession
8 of such material.

9 (g) Forfeiture of property. A person who has been convicted
10 previously of the offense of obscenity and who is convicted of
11 a second or subsequent offense of obscenity is subject to the
12 property forfeiture provisions set forth in Article 124B of the
13 Code of Criminal Procedure of 1963.

14 (Source: P.A. 96-712, eff. 1-1-10.)

15 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

16 Sec. 11-20.1. Child pornography.

17 (a) A person commits ~~the offense of~~ child pornography who:

18 (1) films, videotapes, photographs, or otherwise
19 depicts or portrays by means of any similar visual medium
20 or reproduction or depicts by computer any child whom he or
21 she knows or reasonably should know to be under the age of
22 18 and at least 13 years of age or any severely or
23 profoundly mentally retarded person where such child or
24 severely or profoundly mentally retarded person is:

25 (i) actually or by simulation engaged in any act of

1 sexual penetration or sexual conduct with any person or
2 animal; or

3 (ii) actually or by simulation engaged in any act
4 of sexual penetration or sexual conduct involving the
5 sex organs of the child or severely or profoundly
6 mentally retarded person and the mouth, anus, or sex
7 organs of another person or animal; or which involves
8 the mouth, anus or sex organs of the child or severely
9 or profoundly mentally retarded person and the sex
10 organs of another person or animal; or

11 (iii) actually or by simulation engaged in any act
12 of masturbation; or

13 (iv) actually or by simulation portrayed as being
14 the object of, or otherwise engaged in, any act of lewd
15 fondling, touching, or caressing involving another
16 person or animal; or

17 (v) actually or by simulation engaged in any act of
18 excretion or urination within a sexual context; or

19 (vi) actually or by simulation portrayed or
20 depicted as bound, fettered, or subject to sadistic,
21 masochistic, or sadomasochistic abuse in any sexual
22 context; or

23 (vii) depicted or portrayed in any pose, posture or
24 setting involving a lewd exhibition of the unclothed or
25 transparently clothed genitals, pubic area, buttocks,
26 or, if such person is female, a fully or partially

1 developed breast of the child or other person; or

2 (2) with the knowledge of the nature or content
3 thereof, reproduces, disseminates, offers to disseminate,
4 exhibits or possesses with intent to disseminate any film,
5 videotape, photograph or other similar visual reproduction
6 or depiction by computer of any child or severely or
7 profoundly mentally retarded person whom the person knows
8 or reasonably should know to be under the age of 18 and at
9 least 13 years of age or to be a severely or profoundly
10 mentally retarded person, engaged in any activity
11 described in subparagraphs (i) through (vii) of paragraph
12 (1) of this subsection; or

13 (3) with knowledge of the subject matter or theme
14 thereof, produces any stage play, live performance, film,
15 videotape or other similar visual portrayal or depiction by
16 computer which includes a child whom the person knows or
17 reasonably should know to be under the age of 18 and at
18 least 13 years of age or a severely or profoundly mentally
19 retarded person engaged in any activity described in
20 subparagraphs (i) through (vii) of paragraph (1) of this
21 subsection; or

22 (4) solicits, uses, persuades, induces, entices, or
23 coerces any child whom he or she knows or reasonably should
24 know to be under the age of 18 and at least 13 years of age
25 or a severely or profoundly mentally retarded person to
26 appear in any stage play, live presentation, film,

1 videotape, photograph or other similar visual reproduction
2 or depiction by computer in which the child or severely or
3 profoundly mentally retarded person is or will be depicted,
4 actually or by simulation, in any act, pose or setting
5 described in subparagraphs (i) through (vii) of paragraph
6 (1) of this subsection; or

7 (5) is a parent, step-parent, legal guardian or other
8 person having care or custody of a child whom the person
9 knows or reasonably should know to be under the age of 18
10 and at least 13 years of age or a severely or profoundly
11 mentally retarded person and who knowingly permits,
12 induces, promotes, or arranges for such child or severely
13 or profoundly mentally retarded person to appear in any
14 stage play, live performance, film, videotape, photograph
15 or other similar visual presentation, portrayal or
16 simulation or depiction by computer of any act or activity
17 described in subparagraphs (i) through (vii) of paragraph
18 (1) of this subsection; or

19 (6) with knowledge of the nature or content thereof,
20 possesses any film, videotape, photograph or other similar
21 visual reproduction or depiction by computer of any child
22 or severely or profoundly mentally retarded person whom the
23 person knows or reasonably should know to be under the age
24 of 18 and at least 13 years of age or to be a severely or
25 profoundly mentally retarded person, engaged in any
26 activity described in subparagraphs (i) through (vii) of

1 paragraph (1) of this subsection; or

2 (7) solicits, or knowingly uses, persuades, induces,
3 entices, or coerces, a person to provide a child under the
4 age of 18 and at least 13 years of age or a severely or
5 profoundly mentally retarded person to appear in any
6 videotape, photograph, film, stage play, live
7 presentation, or other similar visual reproduction or
8 depiction by computer in which the child or severely or
9 profoundly mentally retarded person will be depicted,
10 actually or by simulation, in any act, pose, or setting
11 described in subparagraphs (i) through (vii) of paragraph
12 (1) of this subsection.

13 (b) (1) It shall be an affirmative defense to a charge of
14 child pornography that the defendant reasonably believed,
15 under all of the circumstances, that the child was 18 years
16 of age or older or that the person was not a severely or
17 profoundly mentally retarded person but only where, prior
18 to the act or acts giving rise to a prosecution under this
19 Section, he or she took some affirmative action or made a
20 bonafide inquiry designed to ascertain whether the child
21 was 18 years of age or older or that the person was not a
22 severely or profoundly mentally retarded person and his or
23 her reliance upon the information so obtained was clearly
24 reasonable.

25 (2) (Blank).

26 (3) The charge of child pornography shall not apply to

1 the performance of official duties by law enforcement or
2 prosecuting officers or persons employed by law
3 enforcement or prosecuting agencies, court personnel or
4 attorneys, nor to bonafide treatment or professional
5 education programs conducted by licensed physicians,
6 psychologists or social workers.

7 (4) If Possession by the defendant possessed ~~of~~ more
8 than one of the same film, videotape or visual reproduction
9 or depiction by computer in which child pornography is
10 depicted, then the trier of fact may infer ~~shall raise a~~
11 ~~rebuttable presumption~~ that the defendant possessed such
12 materials with the intent to disseminate them.

13 (5) The charge of child pornography does not apply to a
14 person who does not voluntarily possess a film, videotape,
15 or visual reproduction or depiction by computer in which
16 child pornography is depicted. Possession is voluntary if
17 the defendant knowingly procures or receives a film,
18 videotape, or visual reproduction or depiction for a
19 sufficient time to be able to terminate his or her
20 possession.

21 (6) Any violation of paragraph (1), (2), (3), (4), (5),
22 or (7) of subsection (a) that includes a child engaged in,
23 solicited for, depicted in, or posed in any act of sexual
24 penetration or bound, fettered, or subject to sadistic,
25 masochistic, or sadomasochistic abuse in a sexual context
26 shall be deemed a crime of violence.

1 (c) Violation of paragraph (1), (4), (5), or (7) of
2 subsection (a) is a Class 1 felony with a mandatory minimum
3 fine of \$2,000 and a maximum fine of \$100,000. Violation of
4 paragraph (3) of subsection (a) is a Class 1 felony with a
5 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.
6 Violation of paragraph (2) of subsection (a) is a Class 1
7 felony with a mandatory minimum fine of \$1000 and a maximum
8 fine of \$100,000. Violation of paragraph (6) of subsection (a)
9 is a Class 3 felony with a mandatory minimum fine of \$1000 and
10 a maximum fine of \$100,000.

11 (d) If a person is convicted of a second or subsequent
12 violation of this Section within 10 years of a prior
13 conviction, the court shall order a presentence psychiatric
14 examination of the person. The examiner shall report to the
15 court whether treatment of the person is necessary.

16 (e) Any film, videotape, photograph or other similar visual
17 reproduction or depiction by computer which includes a child
18 under the age of 18 and at least 13 years of age or a severely
19 or profoundly mentally retarded person engaged in any activity
20 described in subparagraphs (i) through (vii) or paragraph 1 of
21 subsection (a), and any material or equipment used or intended
22 for use in photographing, filming, printing, producing,
23 reproducing, manufacturing, projecting, exhibiting, depiction
24 by computer, or disseminating such material shall be seized and
25 forfeited in the manner, method and procedure provided by
26 Section 36-1 of this Code for the seizure and forfeiture of

1 vessels, vehicles and aircraft.

2 In addition, any person convicted under this Section is
3 subject to the property forfeiture provisions set forth in
4 Article 124B of the Code of Criminal Procedure of 1963.

5 (e-5) Upon the conclusion of a case brought under this
6 Section, the court shall seal all evidence depicting a victim
7 or witness that is sexually explicit. The evidence may be
8 unsealed and viewed, on a motion of the party seeking to unseal
9 and view the evidence, only for good cause shown and in the
10 discretion of the court. The motion must expressly set forth
11 the purpose for viewing the material. The State's attorney and
12 the victim, if possible, shall be provided reasonable notice of
13 the hearing on the motion to unseal the evidence. Any person
14 entitled to notice of a hearing under this subsection (e-5) may
15 object to the motion.

16 (f) Definitions. For the purposes of this Section:

17 (1) "Disseminate" means (i) to sell, distribute,
18 exchange or transfer possession, whether with or without
19 consideration or (ii) to make a depiction by computer
20 available for distribution or downloading through the
21 facilities of any telecommunications network or through
22 any other means of transferring computer programs or data
23 to a computer.

24 (2) "Produce" means to direct, promote, advertise,
25 publish, manufacture, issue, present or show.

26 (3) "Reproduce" means to make a duplication or copy.

1 (4) "Depict by computer" means to generate or create,
2 or cause to be created or generated, a computer program or
3 data that, after being processed by a computer either alone
4 or in conjunction with one or more computer programs,
5 results in a visual depiction on a computer monitor,
6 screen, or display.

7 (5) "Depiction by computer" means a computer program or
8 data that, after being processed by a computer either alone
9 or in conjunction with one or more computer programs,
10 results in a visual depiction on a computer monitor,
11 screen, or display.

12 (6) "Computer", "computer program", and "data" have
13 the meanings ascribed to them in Section 16D-2 of this
14 Code.

15 (7) For the purposes of this Section, "child
16 pornography ~~Child~~" includes a film, videotape, photograph,
17 or other similar visual medium or reproduction or depiction
18 by computer that is, or appears to be, that of a person,
19 either in part, or in total, under the age of 18 and at
20 least 13 years of age or a severely or profoundly mentally
21 retarded person, regardless of the method by which the
22 film, videotape, photograph, or other similar visual
23 medium or reproduction or depiction by computer is created,
24 adopted, or modified to appear as such. "Child pornography"
25 also includes a film, videotape, photograph, or other
26 similar visual medium or reproduction or depiction by

1 computer that is advertised, promoted, presented,
2 described, or distributed in such a manner that conveys the
3 impression that the film, videotape, photograph, or other
4 similar visual medium or reproduction or depiction by
5 computer is of a person under the age of 18 and at least 13
6 years of age or a severely or profoundly mentally retarded
7 person.

8 ~~(8) "Sexual penetration" and "sexual conduct" have the~~
9 ~~meanings ascribed to them in Section 12-12 of this Code.~~

10 (g) Re-enactment; findings; purposes.

11 (1) The General Assembly finds and declares that:

12 (i) Section 50-5 of Public Act 88-680, effective
13 January 1, 1995, contained provisions amending the
14 child pornography statute, Section 11-20.1 of the
15 Criminal Code of 1961. Section 50-5 also contained
16 other provisions.

17 (ii) In addition, Public Act 88-680 was entitled
18 "AN ACT to create a Safe Neighborhoods Law". (A)
19 Article 5 was entitled JUVENILE JUSTICE and amended the
20 Juvenile Court Act of 1987. (B) Article 15 was entitled
21 GANGS and amended various provisions of the Criminal
22 Code of 1961 and the Unified Code of Corrections. (C)
23 Article 20 was entitled ALCOHOL ABUSE and amended
24 various provisions of the Illinois Vehicle Code. (D)
25 Article 25 was entitled DRUG ABUSE and amended the
26 Cannabis Control Act and the Illinois Controlled

1 Substances Act. (E) Article 30 was entitled FIREARMS
2 and amended the Criminal Code of 1961 and the Code of
3 Criminal Procedure of 1963. (F) Article 35 amended the
4 Criminal Code of 1961, the Rights of Crime Victims and
5 Witnesses Act, and the Unified Code of Corrections. (G)
6 Article 40 amended the Criminal Code of 1961 to
7 increase the penalty for compelling organization
8 membership of persons. (H) Article 45 created the
9 Secure Residential Youth Care Facility Licensing Act
10 and amended the State Finance Act, the Juvenile Court
11 Act of 1987, the Unified Code of Corrections, and the
12 Private Correctional Facility Moratorium Act. (I)
13 Article 50 amended the WIC Vendor Management Act, the
14 Firearm Owners Identification Card Act, the Juvenile
15 Court Act of 1987, the Criminal Code of 1961, the
16 Wrongs to Children Act, and the Unified Code of
17 Corrections.

18 (iii) On September 22, 1998, the Third District
19 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
20 ruled that Public Act 88-680 violates the single
21 subject clause of the Illinois Constitution (Article
22 IV, Section 8 (d)) and was unconstitutional in its
23 entirety. As of the time this amendatory Act of 1999
24 was prepared, *People v. Dainty* was still subject to
25 appeal.

26 (iv) Child pornography is a vital concern to the

1 people of this State and the validity of future
2 prosecutions under the child pornography statute of
3 the Criminal Code of 1961 is in grave doubt.

4 (2) It is the purpose of this amendatory Act of 1999 to
5 prevent or minimize any problems relating to prosecutions
6 for child pornography that may result from challenges to
7 the constitutional validity of Public Act 88-680 by
8 re-enacting the Section relating to child pornography that
9 was included in Public Act 88-680.

10 (3) This amendatory Act of 1999 re-enacts Section
11 11-20.1 of the Criminal Code of 1961, as it has been
12 amended. This re-enactment is intended to remove any
13 question as to the validity or content of that Section; it
14 is not intended to supersede any other Public Act that
15 amends the text of the Section as set forth in this
16 amendatory Act of 1999. The material is shown as existing
17 text (i.e., without underscoring) because, as of the time
18 this amendatory Act of 1999 was prepared, *People v. Dainty*
19 was subject to appeal to the Illinois Supreme Court.

20 (4) The re-enactment by this amendatory Act of 1999 of
21 Section 11-20.1 of the Criminal Code of 1961 relating to
22 child pornography that was amended by Public Act 88-680 is
23 not intended, and shall not be construed, to imply that
24 Public Act 88-680 is invalid or to limit or impair any
25 legal argument concerning whether those provisions were
26 substantially re-enacted by other Public Acts.

1 (Source: P.A. ; 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;
2 96-1000, eff. 7-2-10.)

3 (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

4 Sec. 11-20.1B ~~11-20.3~~. Aggravated child pornography.

5 (a) A person commits ~~the offense of~~ aggravated child
6 pornography who:

7 (1) films, videotapes, photographs, or otherwise
8 depicts or portrays by means of any similar visual medium
9 or reproduction or depicts by computer any child whom he or
10 she knows or reasonably should know to be under the age of
11 13 years where such child is:

12 (i) actually or by simulation engaged in any act of
13 sexual penetration or sexual conduct with any person or
14 animal; or

15 (ii) actually or by simulation engaged in any act
16 of sexual penetration or sexual conduct involving the
17 sex organs of the child and the mouth, anus, or sex
18 organs of another person or animal; or which involves
19 the mouth, anus or sex organs of the child and the sex
20 organs of another person or animal; or

21 (iii) actually or by simulation engaged in any act
22 of masturbation; or

23 (iv) actually or by simulation portrayed as being
24 the object of, or otherwise engaged in, any act of lewd
25 fondling, touching, or caressing involving another

1 person or animal; or

2 (v) actually or by simulation engaged in any act of
3 excretion or urination within a sexual context; or

4 (vi) actually or by simulation portrayed or
5 depicted as bound, fettered, or subject to sadistic,
6 masochistic, or sadomasochistic abuse in any sexual
7 context; or

8 (vii) depicted or portrayed in any pose, posture or
9 setting involving a lewd exhibition of the unclothed or
10 transparently clothed genitals, pubic area, buttocks,
11 or, if such person is female, a fully or partially
12 developed breast of the child or other person; or

13 (2) with the knowledge of the nature or content
14 thereof, reproduces, disseminates, offers to disseminate,
15 exhibits or possesses with intent to disseminate any film,
16 videotape, photograph or other similar visual reproduction
17 or depiction by computer of any child whom the person knows
18 or reasonably should know to be under the age of 13 engaged
19 in any activity described in subparagraphs (i) through
20 (vii) of paragraph (1) of this subsection; or

21 (3) with knowledge of the subject matter or theme
22 thereof, produces any stage play, live performance, film,
23 videotape or other similar visual portrayal or depiction by
24 computer which includes a child whom the person knows or
25 reasonably should know to be under the age of 13 engaged in
26 any activity described in subparagraphs (i) through (vii)

1 of paragraph (1) of this subsection; or

2 (4) solicits, uses, persuades, induces, entices, or
3 coerces any child whom he or she knows or reasonably should
4 know to be under the age of 13 to appear in any stage play,
5 live presentation, film, videotape, photograph or other
6 similar visual reproduction or depiction by computer in
7 which the child or severely or profoundly mentally retarded
8 person is or will be depicted, actually or by simulation,
9 in any act, pose or setting described in subparagraphs (i)
10 through (vii) of paragraph (1) of this subsection; or

11 (5) is a parent, step-parent, legal guardian or other
12 person having care or custody of a child whom the person
13 knows or reasonably should know to be under the age of 13
14 and who knowingly permits, induces, promotes, or arranges
15 for such child to appear in any stage play, live
16 performance, film, videotape, photograph or other similar
17 visual presentation, portrayal or simulation or depiction
18 by computer of any act or activity described in
19 subparagraphs (i) through (vii) of paragraph (1) of this
20 subsection; or

21 (6) with knowledge of the nature or content thereof,
22 possesses any film, videotape, photograph or other similar
23 visual reproduction or depiction by computer of any child
24 whom the person knows or reasonably should know to be under
25 the age of 13 engaged in any activity described in
26 subparagraphs (i) through (vii) of paragraph (1) of this

1 subsection; or

2 (7) solicits, or knowingly uses, persuades, induces,
3 entices, or coerces a person to provide a child under the
4 age of 13 to appear in any videotape, photograph, film,
5 stage play, live presentation, or other similar visual
6 reproduction or depiction by computer in which the child
7 will be depicted, actually or by simulation, in any act,
8 pose, or setting described in subparagraphs (i) through
9 (vii) of paragraph (1) of this subsection.

10 (b)(1) It shall be an affirmative defense to a charge of
11 aggravated child pornography that the defendant reasonably
12 believed, under all of the circumstances, that the child was 13
13 years of age or older, but only where, prior to the act or acts
14 giving rise to a prosecution under this Section, he or she took
15 some affirmative action or made a bonafide inquiry designed to
16 ascertain whether the child was 13 years of age or older and
17 his or her reliance upon the information so obtained was
18 clearly reasonable.

19 (2) The charge of aggravated child pornography shall not
20 apply to the performance of official duties by law enforcement
21 or prosecuting officers or persons employed by law enforcement
22 or prosecuting agencies, court personnel or attorneys, nor to
23 bonafide treatment or professional education programs
24 conducted by licensed physicians, psychologists or social
25 workers.

26 (3) If the defendant possessed more than 3 of the same

1 film, videotape or visual reproduction or depiction by computer
2 in which aggravated child pornography is depicted, then the
3 trier of fact may infer that the defendant possessed such
4 materials with the intent to disseminate them.

5 (4) The charge of aggravated child pornography does not
6 apply to a person who does not voluntarily possess a film,
7 videotape, or visual reproduction or depiction by computer in
8 which aggravated child pornography is depicted. Possession is
9 voluntary if the defendant knowingly procures or receives a
10 film, videotape, or visual reproduction or depiction for a
11 sufficient time to be able to terminate his or her possession.

12 (5) Any violation of paragraph (1), (2), (3), (4), (5), or
13 (7) of subsection (a) that includes a child engaged in,
14 solicited for, depicted in, or posed in any act of sexual
15 penetration or bound, fettered, or subject to sadistic,
16 masochistic, or sadomasochistic abuse in a sexual context shall
17 be deemed a crime of violence.

18 (c) Sentence: (1) A person who commits a violation of
19 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is
20 guilty of a Class X felony with a mandatory minimum fine of
21 \$2,000 and a maximum fine of \$100,000.

22 (2) A person who commits a violation of paragraph (6) of
23 subsection (a) is guilty of a Class 2 felony with a mandatory
24 minimum fine of \$1000 and a maximum fine of \$100,000.

25 (3) A person who commits a violation of paragraph (1), (2),
26 (3), (4), (5), or (7) of subsection (a) where the defendant has

1 previously been convicted under the laws of this State or any
2 other state of the offense of child pornography, aggravated
3 child pornography, aggravated criminal sexual abuse,
4 aggravated criminal sexual assault, predatory criminal sexual
5 assault of a child, or any of the offenses formerly known as
6 rape, deviate sexual assault, indecent liberties with a child,
7 or aggravated indecent liberties with a child where the victim
8 was under the age of 18 years or an offense that is
9 substantially equivalent to those offenses, is guilty of a
10 Class X felony for which the person shall be sentenced to a
11 term of imprisonment of not less than 9 years with a mandatory
12 minimum fine of \$2,000 and a maximum fine of \$100,000.

13 (4) A person who commits a violation of paragraph (6) of
14 subsection (a) where the defendant has previously been
15 convicted under the laws of this State or any other state of
16 the offense of child pornography, aggravated child
17 pornography, aggravated criminal sexual abuse, aggravated
18 criminal sexual assault, predatory criminal sexual assault of a
19 child, or any of the offenses formerly known as rape, deviate
20 sexual assault, indecent liberties with a child, or aggravated
21 indecent liberties with a child where the victim was under the
22 age of 18 years or an offense that is substantially equivalent
23 to those offenses, is guilty of a Class 1 felony with a
24 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

25 (d) If a person is convicted of a second or subsequent
26 violation of this Section within 10 years of a prior

1 conviction, the court shall order a presentence psychiatric
2 examination of the person. The examiner shall report to the
3 court whether treatment of the person is necessary.

4 (e) Any film, videotape, photograph or other similar visual
5 reproduction or depiction by computer which includes a child
6 under the age of 13 engaged in any activity described in
7 subparagraphs (i) through (vii) of paragraph (1) of subsection
8 (a), and any material or equipment used or intended for use in
9 photographing, filming, printing, producing, reproducing,
10 manufacturing, projecting, exhibiting, depiction by computer,
11 or disseminating such material shall be seized and forfeited in
12 the manner, method and procedure provided by Section 36-1 of
13 this Code for the seizure and forfeiture of vessels, vehicles
14 and aircraft.

15 In addition, any person convicted under this Section is
16 subject to the property forfeiture provisions set forth in
17 Article 124B of the Code of Criminal Procedure of 1963.

18 (e-5) Upon the conclusion of a case brought under this
19 Section, the court shall seal all evidence depicting a victim
20 or witness that is sexually explicit. The evidence may be
21 unsealed and viewed, on a motion of the party seeking to unseal
22 and view the evidence, only for good cause shown and in the
23 discretion of the court. The motion must expressly set forth
24 the purpose for viewing the material. The State's attorney and
25 the victim, if possible, shall be provided reasonable notice of
26 the hearing on the motion to unseal the evidence. Any person

1 entitled to notice of a hearing under this subsection (e-5) may
2 object to the motion.

3 (f) Definitions. For the purposes of this Section:

4 (1) "Disseminate" means (i) to sell, distribute,
5 exchange or transfer possession, whether with or without
6 consideration or (ii) to make a depiction by computer
7 available for distribution or downloading through the
8 facilities of any telecommunications network or through
9 any other means of transferring computer programs or data
10 to a computer.

11 (2) "Produce" means to direct, promote, advertise,
12 publish, manufacture, issue, present or show.

13 (3) "Reproduce" means to make a duplication or copy.

14 (4) "Depict by computer" means to generate or create,
15 or cause to be created or generated, a computer program or
16 data that, after being processed by a computer either alone
17 or in conjunction with one or more computer programs,
18 results in a visual depiction on a computer monitor,
19 screen, or display.

20 (5) "Depiction by computer" means a computer program or
21 data that, after being processed by a computer either alone
22 or in conjunction with one or more computer programs,
23 results in a visual depiction on a computer monitor,
24 screen, or display.

25 (6) "Computer", "computer program", and "data" have
26 the meanings ascribed to them in Section 16D-2 of this

1 Code.

2 (7) For the purposes of this Section, "child" means a
3 person, either in part or in total, under the age of 13,
4 regardless of the method by which the film, videotape,
5 photograph, or other similar visual medium or reproduction
6 or depiction by computer is created, adopted, or modified
7 to appear as such.

8 ~~(8) "Sexual penetration" and "sexual conduct" have the~~
9 ~~meanings ascribed to them in Section 12-12 of this Code.~~

10 (g) When a charge of aggravated child pornography is
11 brought, the age of the child is an element of the offense to
12 be resolved by the trier of fact as either exceeding or not
13 exceeding the age in question. The trier of fact can rely on
14 its own everyday observations and common experiences in making
15 this determination.

16 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,
17 eff. 1-1-10; 96-1000, eff. 7-2-10.)

18 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

19 Sec. 11-20.2. Duty of commercial film and photographic
20 print processors or computer technicians to report sexual
21 depiction of children. ~~Duty to report child pornography.~~

22 (a) Any commercial film and photographic print processor or
23 computer technician who has knowledge of or observes, within
24 the scope of his professional capacity or employment, any film,
25 photograph, videotape, negative, slide, computer hard drive or

1 any other magnetic or optical media which depicts a child whom
2 the processor or computer technician knows or reasonably should
3 know to be under the age of 18 where such child is:

4 (i) actually or by simulation engaged in any act of
5 sexual penetration or sexual conduct with any person or
6 animal; or

7 (ii) actually or by simulation engaged in any act of
8 sexual penetration or sexual conduct involving the sex
9 organs of the child and the mouth, anus, or sex organs of
10 another person or animal; or which involves the mouth, anus
11 or sex organs of the child and the sex organs of another
12 person or animal; or

13 (iii) actually or by simulation engaged in any act of
14 masturbation; or

15 (iv) actually or by simulation portrayed as being the
16 object of, or otherwise engaged in, any act of lewd
17 fondling, touching, or caressing involving another person
18 or animal; or

19 (v) actually or by simulation engaged in any act of
20 excretion or urination within a sexual context; or

21 (vi) actually or by simulation portrayed or depicted as
22 bound, fettered, or subject to sadistic, masochistic, or
23 sadomasochistic abuse in any sexual context; or

24 (vii) depicted or portrayed in any pose, posture or
25 setting involving a lewd exhibition of the unclothed or
26 transparently clothed genitals, pubic area, buttocks, or,

1 if such person is female, a fully or partially developed
2 breast of the child or other person;
3 shall report or cause a report to be made pursuant to
4 subsections (b) and (c) as soon as reasonably possible. Failure
5 to make such report shall be a business offense with a fine of
6 \$1,000.

7 (b) Commercial film and photographic film processors shall
8 report or cause a report to be made to the local law
9 enforcement agency of the jurisdiction in which the image or
10 images described in subsection (a) are discovered.

11 (c) Computer technicians shall report or cause the report
12 to be made to the local law enforcement agency of the
13 jurisdiction in which the image or images described in
14 subsection (a) are discovered or to the Illinois Child
15 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

16 (d) Reports required by this Act shall include the
17 following information: (i) name, address, and telephone number
18 of the person filing the report; (ii) the employer of the
19 person filing the report, if any; (iii) the name, address and
20 telephone number of the person whose property is the subject of
21 the report, if known; (iv) the circumstances which led to the
22 filing of the report, including a description of the reported
23 content.

24 (e) If a report is filed with the Cyber Tipline at the
25 National Center for Missing and Exploited Children or in
26 accordance with the requirements of 42 U.S.C. 13032, the

1 requirements of this Act will be deemed to have been met.

2 (f) A computer technician or an employer caused to report
3 child pornography under this Section is immune from any
4 criminal, civil, or administrative liability in connection
5 with making the report, except for willful or wanton
6 misconduct.

7 (g) For the purposes of this Section, a "computer
8 technician" is a person who installs, maintains,
9 troubleshoots, repairs or upgrades computer hardware,
10 software, computer networks, peripheral equipment, electronic
11 mail systems, or provides user assistance for any of the
12 aforementioned tasks.

13 (Source: P.A. 95-983, eff. 6-1-09.)

14 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

15 Sec. 11-21. Harmful material.

16 (a) As used in this Section:

17 "Distribute" means to transfer possession of, whether
18 with or without consideration.

19 "Harmful to minors" means that quality of any
20 description or representation, in whatever form, of
21 nudity, sexual conduct, sexual excitement, or
22 sado-masochistic abuse, when, taken as a whole, it (i)
23 predominately appeals to the prurient interest in sex of
24 minors, (ii) is patently offensive to prevailing standards
25 in the adult community in the State as a whole with respect

1 to what is suitable material for minors, and (iii) lacks
2 serious literary, artistic, political, or scientific value
3 for minors.

4 "Knowingly" means having knowledge of the contents of
5 the subject matter, or recklessly failing to exercise
6 reasonable inspection which would have disclosed the
7 contents.

8 "Material" means (i) any picture, photograph, drawing,
9 sculpture, film, video game, computer game, video or
10 similar visual depiction, including any such
11 representation or image which is stored electronically, or
12 (ii) any book, magazine, printed matter however
13 reproduced, or recorded audio of any sort.

14 "Minor" means any person under the age of 18.

15 "Nudity" means the showing of the human male or female
16 genitals, pubic area or buttocks with less than a fully
17 ~~full~~ opaque covering, or the showing of the female breast
18 with less than a fully opaque covering of any portion below
19 the top of the nipple, or the depiction of covered male
20 genitals in a discernably turgid state.

21 "Sado-masochistic abuse" means flagellation or torture
22 by or upon a person clad in undergarments, a mask or
23 bizarre costume, or the condition of being fettered, bound
24 or otherwise physically restrained on the part of one
25 clothed for sexual gratification or stimulation.

26 "Sexual conduct" means acts of masturbation, sexual

1 intercourse, or physical contact with a person's clothed or
2 unclothed genitals, pubic area, buttocks or, if such person
3 be a female, breast.

4 "Sexual excitement" means the condition of human male
5 or female genitals when in a state of sexual stimulation or
6 arousal.

7 (b) A person is guilty of distributing harmful material to
8 a minor when he or she:

9 (1) knowingly sells, lends, distributes, exhibits to,
10 depicts to, or gives away to a minor, knowing that the
11 minor is under the age of 18 or failing to exercise
12 reasonable care in ascertaining the person's true age:

13 (A) any material which depicts nudity, sexual
14 conduct or sado-masochistic abuse, or which contains
15 explicit and detailed verbal descriptions or narrative
16 accounts of sexual excitement, sexual conduct or
17 sado-masochistic abuse, and which taken as a whole is
18 harmful to minors;

19 (B) a motion picture, show, or other presentation
20 which depicts nudity, sexual conduct or
21 sado-masochistic abuse and is harmful to minors; or

22 (C) an admission ticket or pass to premises where
23 there is exhibited or to be exhibited such a motion
24 picture, show, or other presentation; or

25 (2) admits a minor to premises where there is exhibited
26 or to be exhibited such a motion picture, show, or other

1 presentation, knowing that the minor is a person under the
2 age of 18 or failing to exercise reasonable care in
3 ascertaining the person's true age.

4 (c) In any prosecution arising under this Section, it is an
5 affirmative defense:

6 (1) that the minor as to whom the offense is alleged to
7 have been committed exhibited to the accused a draft card,
8 driver's license, birth certificate or other official or
9 apparently official document purporting to establish that
10 the minor was 18 years of age or older, which was relied
11 upon by the accused;

12 (2) that the defendant was in a parental or
13 guardianship relationship with the minor or that the minor
14 was accompanied by a parent or legal guardian;

15 (3) that the defendant was a bona fide school, museum,
16 or public library, or was a person acting in the course of
17 his or her employment as an employee or official of such
18 organization or retail outlet affiliated with and serving
19 the educational purpose of such organization;

20 (4) that the act charged was committed in aid of
21 legitimate scientific or educational purposes; or

22 (5) that an advertisement of harmful material as
23 defined in this Section culminated in the sale or
24 distribution of such harmful material to a child under
25 circumstances where there was no personal confrontation of
26 the child by the defendant, his or her employees, or

1 agents, as where the order or request for such harmful
2 material was transmitted by mail, telephone, Internet or
3 similar means of communication, and delivery of such
4 harmful material to the child was by mail, freight,
5 Internet or similar means of transport, which
6 advertisement contained the following statement, or a
7 substantially similar statement, and that the defendant
8 required the purchaser to certify that he or she was not
9 under the age of 18 and that the purchaser falsely stated
10 that he or she was not under the age of 18: "NOTICE: It is
11 unlawful for any person under the age of 18 to purchase the
12 matter advertised. Any person under the age of 18 that
13 falsely states that he or she is not under the age of 18
14 for the purpose of obtaining the material advertised is
15 guilty of a Class B misdemeanor under the laws of the
16 State."

17 (d) The predominant appeal to prurient interest of the
18 material shall be judged with reference to average children of
19 the same general age of the child to whom such material was
20 sold, lent, distributed or given, unless it appears from the
21 nature of the matter or the circumstances of its dissemination
22 or distribution that it is designed for specially susceptible
23 groups, in which case the predominant appeal of the material
24 shall be judged with reference to its intended or probable
25 recipient group.

26 (e) Distribution of harmful material in violation of this

1 Section is a Class A misdemeanor. A second or subsequent
2 offense is a Class 4 felony.

3 (f) Any person under the age of 18 who ~~that~~ falsely states,
4 either orally or in writing, that he or she is not under the
5 age of 18, or who ~~that~~ presents or offers to any person any
6 evidence of age and identity that is false or not actually his
7 or her own with the intent ~~for the purpose~~ of ordering,
8 obtaining, viewing, or otherwise procuring or attempting to
9 procure or view any harmful material is guilty of a Class B
10 misdemeanor.

11 (g) A person over the age of 18 who fails to exercise
12 reasonable care in ascertaining the true age of a minor,
13 knowingly distributes to, or sends, or causes to be sent, or
14 exhibits to, or offers to distribute, or exhibits any harmful
15 material to a person that he or she believes is a minor is
16 guilty of a Class A misdemeanor. If that person utilized a
17 computer web camera, cellular telephone, or any other type of
18 device to manufacture the harmful material, then each offense
19 is a Class 4 felony.

20 (h) Telecommunications carriers, commercial mobile service
21 providers, and providers of information services, including,
22 but not limited to, Internet service providers and hosting
23 service providers, are not liable under this Section, except
24 for willful and wanton misconduct, by virtue of the
25 transmission, storage, or caching of electronic communications
26 or messages of others or by virtue of the provision of other

1 related telecommunications, commercial mobile services, or
2 information services used by others in violation of this
3 Section.

4 (Source: P.A. 95-983, eff. 6-1-09; 96-280, eff. 1-1-10.)

5 (720 ILCS 5/11-23)

6 Sec. 11-23. Posting of identifying or graphic information
7 on a pornographic Internet site or possessing graphic
8 information with pornographic material.

9 (a) A person at least 17 years of age who knowingly
10 discloses on an adult obscenity or child pornography Internet
11 site the name, address, telephone number, or e-mail address of
12 a person under 17 years of age at the time of the commission of
13 the offense or of a person at least 17 years of age without the
14 consent of the person at least 17 years of age is guilty of ~~the~~
15 ~~offense of~~ posting of identifying information on a pornographic
16 Internet site.

17 (a-5) Any person who knowingly places, posts, reproduces,
18 or maintains on an adult obscenity or child pornography
19 Internet site a photograph, video, or digital image of a person
20 under 18 years of age that is not child pornography under
21 Section 11-20.1, without the knowledge and consent of the
22 person under 18 years of age, is guilty of ~~the offense of~~
23 posting of graphic information on a pornographic Internet site.
24 This provision applies even if the person under 18 years of age
25 is fully or properly clothed in the photograph, video, or

1 digital image.

2 (a-10) Any person who knowingly places, posts, reproduces,
3 or maintains on an adult obscenity or child pornography
4 Internet site, or possesses with obscene or child pornographic
5 material a photograph, video, or digital image of a person
6 under 18 years of age in which the child is posed in a
7 suggestive manner with the focus or concentration of the image
8 on the child's clothed genitals, clothed pubic area, clothed
9 buttocks area, or if the child is female, the breast exposed
10 through transparent clothing, and the photograph, video, or
11 digital image is not child pornography under Section 11-20.1,
12 is guilty of posting of graphic information on a pornographic
13 Internet site or possessing graphic information with
14 pornographic material.

15 (b) Sentence. A person who violates subsection (a) of this
16 Section is guilty of a Class 4 felony if the victim is at least
17 17 years of age at the time of the offense and a Class 3 felony
18 if the victim is under 17 years of age at the time of the
19 offense. A person who violates subsection (a-5) of this Section
20 is guilty of a Class 4 felony. A person who violates subsection
21 (a-10) of this Section is guilty of a Class 3 felony.

22 (c) Definitions. For purposes of this Section:

23 (1) "Adult obscenity or child pornography Internet
24 site" means a site on the Internet that contains material
25 that is obscene as defined in Section 11-20 of this Code or
26 that is child pornography as defined in Section 11-20.1 of

1 this Code.

2 (2) "Internet" has the meaning set forth in Section
3 16J-5 of this Code ~~includes the World Wide Web, electronic~~
4 ~~mail, a news group posting, or Internet file transfer.~~

5 (Source: P.A. 95-983, eff. 6-1-09.)

6 (720 ILCS 5/11-24)

7 Sec. 11-24. Child photography by sex offender.

8 (a) In this Section:

9 "Child" means a person under 18 years of age.

10 "Child sex offender" has the meaning ascribed to it in
11 Section 11-0.1 ~~11-9.3~~ of this Code.

12 (b) It is unlawful for a child sex offender to knowingly:

13 (1) conduct or operate any type of business in which he
14 or she photographs, videotapes, or takes a digital image of
15 a child; or

16 (2) conduct or operate any type of business in which he
17 or she instructs or directs another person to photograph,
18 videotape, or take a digital image of a child; or

19 (3) photograph, videotape, or take a digital image of a
20 child, or instruct or direct another person to photograph,
21 videotape, or take a digital image of a child without the
22 consent of the parent or guardian.

23 (c) Sentence. A violation of this Section is a Class 2
24 felony. A person who violates this Section at a playground,
25 park facility, school, forest preserve, day care facility, or

1 at a facility providing programs or services directed to
2 persons under 17 years of age is guilty of a Class 1 felony.

3 (Source: P.A. 95-983, eff. 6-1-09.)

4 (720 ILCS 5/Art. 11 Subdiv. 25 heading new)

5 SUBDIVISION 25. OTHER OFFENSES

6 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

7 Sec. 11-30 ~~11-9~~. Public indecency.

8 (a) Any person of the age of 17 years and upwards who
9 performs any of the following acts in a public place commits a
10 public indecency:

11 (1) An act of sexual penetration or sexual conduct ~~as~~
12 ~~defined in Section 12-12 of this Code;~~ or

13 (2) A lewd exposure of the body done with intent to
14 arouse or to satisfy the sexual desire of the person.

15 Breast-feeding of infants is not an act of public
16 indecency.

17 (b) "Public place" for purposes of this Section means any
18 place where the conduct may reasonably be expected to be viewed
19 by others.

20 (c) Sentence.

21 Public indecency is a Class A misdemeanor. A person
22 convicted of a third or subsequent violation for public
23 indecency is guilty of a Class 4 felony. Public indecency is a
24 Class 4 felony if committed by a person 18 years of age or

1 older who is on or within 500 feet of elementary or secondary
2 school grounds when children are present on the grounds.

3 (Source: P.A. 96-1098, eff. 1-1-11.)

4 (720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

5 Sec. 11-35 ~~11-7~~. Adultery.

6 ~~Adultery.~~ (a) A Any person commits adultery when he or she
7 ~~who~~ has sexual intercourse with another not his or her spouse
8 ~~commits adultery~~, if the behavior is open and notorious, and

9 (1) The person is married and knows the other person
10 involved in such intercourse is not his spouse; or

11 (2) The person is not married and knows that the other
12 person involved in such intercourse is married.

13 A person shall be exempt from prosecution under this
14 Section if his liability is based solely on evidence he has
15 given in order to comply with the requirements of Section 4-1.7
16 of "The Illinois Public Aid Code", approved April 11, 1967, as
17 amended.

18 (b) Sentence.

19 Adultery is a Class A misdemeanor.

20 (Source: P.A. 86-490.)

21 (720 ILCS 5/11-40) (was 720 ILCS 5/11-8)

22 Sec. 11-40 ~~11-8~~. Fornication.

23 ~~Fornication.~~ (a) A Any person commits fornication when he
24 or she knowingly ~~who~~ has sexual intercourse with another not

1 his or her spouse ~~commits fornication~~ if the behavior is open
2 and notorious.

3 A person shall be exempt from prosecution under this
4 Section if his liability is based solely on evidence he has
5 given in order to comply with the requirements of Section 4-1.7
6 of "The Illinois Public Aid Code", approved April 11, 1967, as
7 amended.

8 (b) Sentence.

9 Fornication is a Class B misdemeanor.

10 (Source: P.A. 86-490.)

11 (720 ILCS 5/11-45) (was 720 ILCS 5/11-12)

12 Sec. 11-45 ~~11-12~~. Bigamy and Marrying a bigamist.

13 (a) Bigamy. A person commits bigamy when that person has
14 ~~Any person having~~ a husband or wife and ~~who~~ subsequently
15 knowingly marries another ~~or cohabits in this State after such~~
16 ~~marriage commits bigamy~~.

17 (a-5) Marrying a bigamist. An unmarried person commits
18 marrying a bigamist when that person knowingly marries another
19 under circumstances known to him or her which would render the
20 other person guilty of bigamy under the laws of this State.

21 (b) It shall be an affirmative defense to bigamy and
22 marrying a bigamist that:

23 (1) The prior marriage was dissolved or declared
24 invalid; or

25 (2) The accused reasonably believed the prior spouse to

1 be dead; or

2 (3) The prior spouse had been continually absent for a
3 period of 5 years during which time the accused did not
4 know the prior spouse to be alive; or

5 (4) The accused reasonably believed that he or she or
6 the person he or she marries was legally eligible to be
7 married ~~remarry~~.

8 (c) Sentence.

9 Bigamy is a Class 4 felony. Marrying a bigamist is a Class
10 A misdemeanor.

11 (Source: P.A. 81-230.)

12 (720 ILCS 5/Art. 36.5 heading new)

13 ARTICLE 36.5. VEHICLE IMPOUNDMENT

14 (720 ILCS 5/36.5-5 new)

15 Sec. 36.5-5. Vehicle impoundment.

16 (a) In addition to any other penalty provided by law, a
17 peace officer who arrests a person for a violation of Section
18 10-9, 10-14, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1 of
19 this Code, may tow and impound any vehicle used by the person
20 in the commission of the offense. The person arrested for one
21 or more such violations shall be charged a \$1,000 fee, to be
22 paid to the unit of government that made the arrest. The person
23 may recover the vehicle from the impound after a minimum of 2
24 hours after arrest upon payment of the fee.

1 (b) \$500 of the fee shall be distributed to the unit of
2 government whose peace officers made the arrest, for the costs
3 incurred by the unit of government to tow and impound the
4 vehicle. Upon the defendant's conviction of one or more of the
5 offenses in connection with which the vehicle was impounded and
6 the fee imposed under this Section, the remaining \$500 of the
7 fee shall be deposited into the Violent Crime Victims
8 Assistance Fund and shall be used by the Department of Human
9 Services to make grants to non-governmental organizations to
10 provide services for persons encountered during the course of
11 an investigation into any violation of Section 10-9, 11-14,
12 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, or 11-19.2 of this
14 Code, provided such persons constitute prostituted persons or
15 other victims of human trafficking.

16 (c) Upon the presentation by the defendant of a signed
17 court order showing that the defendant has been acquitted of
18 all of the offenses in connection with which a vehicle was
19 impounded and a fee imposed under this Section, or that the
20 charges against the defendant for those offenses have been
21 dismissed, the unit of government shall refund the \$1,000 fee
22 to the defendant.

23 (720 ILCS 5/11-9.4 rep.)

24 (720 ILCS 5/11-13 rep.)

25 (720 ILCS 5/11-14.2 rep.)

1 (720 ILCS 5/11-15 rep.)
2 (720 ILCS 5/11-15.1 rep.)
3 (720 ILCS 5/11-16 rep.)
4 (720 ILCS 5/11-17 rep.)
5 (720 ILCS 5/11-17.1 rep.)
6 (720 ILCS 5/11-19 rep.)
7 (720 ILCS 5/11-19.1 rep.)
8 (720 ILCS 5/11-19.2 rep.)
9 (720 ILCS 5/11-19.3 rep.)
10 (720 ILCS 5/12-12 rep.)

11 Section 6. The Criminal Code of 1961 is amended by
12 repealing Sections 11-9.4, 11-13, 11-14.2, 11-15, 11-15.1,
13 11-16, 11-17, 11-17.1, 11-19, 11-19.1, 11-19.2, 11-19.3, and
14 12-12.

15 (720 ILCS 150/5.1 rep.)

16 Section 10. The Wrongs to Children Act is amended by
17 repealing Section 5.1.

18 Section 905. The Secretary of State Merit Employment Code
19 is amended by changing Section 10b.1 as follows:

20 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

21 Sec. 10b.1. Competitive examinations.

22 (a) For open competitive examinations to test the relative
23 fitness of applicants for the respective positions. Tests shall

1 be designed to eliminate those who are not qualified for
2 entrance into the Office of the Secretary of State and to
3 discover the relative fitness of those who are qualified. The
4 Director may use any one of or any combination of the following
5 examination methods which in his judgment best serves this end:
6 investigation of education and experience; test of cultural
7 knowledge; test of capacity; test of knowledge; test of manual
8 skill; test of linguistic ability; test of character; test of
9 physical skill; test of psychological fitness. No person with a
10 record of misdemeanor convictions except those under Sections
11 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
12 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
13 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
14 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section
15 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the
16 Criminal Code of 1961, or arrested for any cause but not
17 convicted thereon shall be disqualified from taking such
18 examinations or subsequent appointment unless the person is
19 attempting to qualify for a position which would give him the
20 powers of a peace officer, in which case the person's
21 conviction or arrest record may be considered as a factor in
22 determining the person's fitness for the position. All
23 examinations shall be announced publicly at least 2 weeks in
24 advance of the date of examinations and may be advertised
25 through the press, radio or other media.

26 The Director may, at his discretion, accept the results of

1 competitive examinations conducted by any merit system
2 established by Federal law or by the law of any State, and may
3 compile eligible lists therefrom or may add the names of
4 successful candidates in examinations conducted by those merit
5 systems to existing eligible lists in accordance with their
6 respective ratings. No person who is a non-resident of the
7 State of Illinois may be appointed from those eligible lists,
8 however, unless the requirement that applicants be residents of
9 the State of Illinois is waived by the Director of Personnel
10 and unless there are less than 3 Illinois residents available
11 for appointment from the appropriate eligible list. The results
12 of the examinations conducted by other merit systems may not be
13 used unless they are comparable in difficulty and
14 comprehensiveness to examinations conducted by the Department
15 of Personnel for similar positions. Special linguistic options
16 may also be established where deemed appropriate.

17 (b) The Director of Personnel may require that each person
18 seeking employment with the Secretary of State, as part of the
19 application process, authorize an investigation to determine
20 if the applicant has ever been convicted of a crime and if so,
21 the disposition of those convictions; this authorization shall
22 indicate the scope of the inquiry and the agencies which may be
23 contacted. Upon this authorization, the Director of Personnel
24 may request and receive information and assistance from any
25 federal, state or local governmental agency as part of the
26 authorized investigation. The investigation shall be

1 undertaken after the fingerprinting of an applicant in the form
2 and manner prescribed by the Department of State Police. The
3 investigation shall consist of a criminal history records check
4 performed by the Department of State Police and the Federal
5 Bureau of Investigation, or some other entity that has the
6 ability to check the applicant's fingerprints against the
7 fingerprint records now and hereafter filed in the Department
8 of State Police and Federal Bureau of Investigation criminal
9 history records databases. If the Department of State Police
10 and the Federal Bureau of Investigation conduct an
11 investigation directly for the Secretary of State's Office,
12 then the Department of State Police shall charge a fee for
13 conducting the criminal history records check, which shall be
14 deposited in the State Police Services Fund and shall not
15 exceed the actual cost of the records check. The Department of
16 State Police shall provide information concerning any criminal
17 convictions, and their disposition, brought against the
18 applicant or prospective employee of the Secretary of State
19 upon request of the Department of Personnel when the request is
20 made in the form and manner required by the Department of State
21 Police. The information derived from this investigation,
22 including the source of this information, and any conclusions
23 or recommendations derived from this information by the
24 Director of Personnel shall be provided to the applicant or
25 prospective employee, or his designee, upon request to the
26 Director of Personnel prior to any final action by the Director

1 of Personnel on the application. No information obtained from
2 such investigation may be placed in any automated information
3 system. Any criminal convictions and their disposition
4 information obtained by the Director of Personnel shall be
5 confidential and may not be transmitted outside the Office of
6 the Secretary of State, except as required herein, and may not
7 be transmitted to anyone within the Office of the Secretary of
8 State except as needed for the purpose of evaluating the
9 application. The only physical identity materials which the
10 applicant or prospective employee can be required to provide
11 the Director of Personnel are photographs or fingerprints;
12 these shall be returned to the applicant or prospective
13 employee upon request to the Director of Personnel, after the
14 investigation has been completed and no copy of these materials
15 may be kept by the Director of Personnel or any agency to which
16 such identity materials were transmitted. Only information and
17 standards which bear a reasonable and rational relation to the
18 performance of an employee shall be used by the Director of
19 Personnel. The Secretary of State shall adopt rules and
20 regulations for the administration of this Section. Any
21 employee of the Secretary of State who gives or causes to be
22 given away any confidential information concerning any
23 criminal convictions and their disposition of an applicant or
24 prospective employee shall be guilty of a Class A misdemeanor
25 unless release of such information is authorized by this
26 Section.

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 Section 910. The Comptroller Merit Employment Code is
3 amended by changing Section 10b.1 as follows:

4 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

5 Sec. 10b.1. Competitive examinations. For open competitive
6 examinations to test the relative fitness of applicants for the
7 respective positions. Tests shall be designed to eliminate
8 those who are not qualified for entrance into the Office of the
9 Comptroller and to discover the relative fitness of those who
10 are qualified. The Director may use any one of or any
11 combination of the following examination methods which in his
12 judgment best serves this end: investigation of education and
13 experience; test of cultural knowledge; test of capacity; test
14 of knowledge; test of manual skill; test of linguistic ability;
15 test of character; test of physical skill; test of
16 psychological fitness. No person with a record of misdemeanor
17 convictions except those under Sections 11-1.50, 11-6, 11-7,
18 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
19 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
20 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
21 subdivisions (a) (1) and (a) (2) (C) of Section 11-14.3, and
22 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
23 1961, or arrested for any cause but not convicted thereon shall
24 be disqualified from taking such examinations or subsequent

1 appointment unless the person is attempting to qualify for a
2 position which entails financial responsibilities, in which
3 case the person's conviction or arrest record may be considered
4 as a factor in determining the person's fitness for the
5 position. All examinations shall be announced publicly at least
6 2 weeks in advance of the date of examinations and may be
7 advertised through the press, radio or other media.

8 The Director may, at his or her discretion, accept the
9 results of competitive examinations conducted by any merit
10 system established by Federal law or by the law of any State,
11 and may compile eligible lists therefrom or may add the names
12 of successful candidates in examinations conducted by those
13 merit systems to existing eligible lists in accordance with
14 their respective ratings. No person who is a non-resident of
15 the State of Illinois may be appointed from those eligible
16 lists, however, unless the requirement that applicants be
17 residents of the State of Illinois is waived by the Director of
18 Human Resources and unless there are less than 3 Illinois
19 residents available for appointment from the appropriate
20 eligible list. The results of the examinations conducted by
21 other merit systems may not be used unless they are comparable
22 in difficulty and comprehensiveness to examinations conducted
23 by the Department of Human Resources for similar positions.
24 Special linguistic options may also be established where deemed
25 appropriate.

26 (Source: P.A. 90-24, eff. 6-20-97.)

1 Section 915. The Personnel Code is amended by changing
2 Section 8b.1 as follows:

3 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

4 Sec. 8b.1. For open competitive examinations to test the
5 relative fitness of applicants for the respective positions.

6 Tests shall be designed to eliminate those who are not
7 qualified for entrance into or promotion within the service,
8 and to discover the relative fitness of those who are
9 qualified. The Director may use any one of or any combination
10 of the following examination methods which in his judgment best
11 serves this end: investigation of education; investigation of
12 experience; test of cultural knowledge; test of capacity; test
13 of knowledge; test of manual skill; test of linguistic ability;
14 test of character; test of physical fitness; test of
15 psychological fitness. No person with a record of misdemeanor
16 convictions except those under Sections 11-1.50, 11-6, 11-7,
17 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
18 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
19 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
20 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
21 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
22 1961 or arrested for any cause but not convicted thereon shall
23 be disqualified from taking such examinations or subsequent
24 appointment, unless the person is attempting to qualify for a

1 position which would give him the powers of a peace officer, in
2 which case the person's conviction or arrest record may be
3 considered as a factor in determining the person's fitness for
4 the position. The eligibility conditions specified for the
5 position of Assistant Director of Healthcare and Family
6 Services in the Department of Healthcare and Family Services in
7 Section 5-230 of the Departments of State Government Law (20
8 ILCS 5/5-230) shall be applied to that position in addition to
9 other standards, tests or criteria established by the Director.
10 All examinations shall be announced publicly at least 2 weeks
11 in advance of the date of the examinations and may be
12 advertised through the press, radio and other media. The
13 Director may, however, in his discretion, continue to receive
14 applications and examine candidates long enough to assure a
15 sufficient number of eligibles to meet the needs of the service
16 and may add the names of successful candidates to existing
17 eligible lists in accordance with their respective ratings.

18 The Director may, in his discretion, accept the results of
19 competitive examinations conducted by any merit system
20 established by federal law or by the law of any State, and may
21 compile eligible lists therefrom or may add the names of
22 successful candidates in examinations conducted by those merit
23 systems to existing eligible lists in accordance with their
24 respective ratings. No person who is a non-resident of the
25 State of Illinois may be appointed from those eligible lists,
26 however, unless the requirement that applicants be residents of

1 the State of Illinois is waived by the Director of Central
2 Management Services and unless there are less than 3 Illinois
3 residents available for appointment from the appropriate
4 eligible list. The results of the examinations conducted by
5 other merit systems may not be used unless they are comparable
6 in difficulty and comprehensiveness to examinations conducted
7 by the Department of Central Management Services for similar
8 positions. Special linguistic options may also be established
9 where deemed appropriate.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 Section 920. The Children and Family Services Act is
12 amended by changing Section 7 as follows:

13 (20 ILCS 505/7) (from Ch. 23, par. 5007)

14 Sec. 7. Placement of children; considerations.

15 (a) In placing any child under this Act, the Department
16 shall place such child, as far as possible, in the care and
17 custody of some individual holding the same religious belief as
18 the parents of the child, or with some child care facility
19 which is operated by persons of like religious faith as the
20 parents of such child.

21 (b) In placing a child under this Act, the Department may
22 place a child with a relative if the Department determines that
23 the relative will be able to adequately provide for the child's
24 safety and welfare based on the factors set forth in the

1 Department's rules governing relative placements, and that the
2 placement is consistent with the child's best interests, taking
3 into consideration the factors set out in subsection (4.05) of
4 Section 1-3 of the Juvenile Court Act of 1987.

5 When the Department first assumes custody of a child, in
6 placing that child under this Act, the Department shall make
7 reasonable efforts to identify and locate a relative who is
8 ready, willing, and able to care for the child. At a minimum,
9 these efforts shall be renewed each time the child requires a
10 placement change and it is appropriate for the child to be
11 cared for in a home environment. The Department must document
12 its efforts to identify and locate such a relative placement
13 and maintain the documentation in the child's case file.

14 If the Department determines that a placement with any
15 identified relative is not in the child's best interests or
16 that the relative does not meet the requirements to be a
17 relative caregiver, as set forth in Department rules or by
18 statute, the Department must document the basis for that
19 decision and maintain the documentation in the child's case
20 file.

21 If, pursuant to the Department's rules, any person files an
22 administrative appeal of the Department's decision not to place
23 a child with a relative, it is the Department's burden to prove
24 that the decision is consistent with the child's best
25 interests.

26 When the Department determines that the child requires

1 placement in an environment, other than a home environment, the
2 Department shall continue to make reasonable efforts to
3 identify and locate relatives to serve as visitation resources
4 for the child and potential future placement resources, except
5 when the Department determines that those efforts would be
6 futile or inconsistent with the child's best interests.

7 If the Department determines that efforts to identify and
8 locate relatives would be futile or inconsistent with the
9 child's best interests, the Department shall document the basis
10 of its determination and maintain the documentation in the
11 child's case file.

12 If the Department determines that an individual or a group
13 of relatives are inappropriate to serve as visitation resources
14 or possible placement resources, the Department shall document
15 the basis of its determination and maintain the documentation
16 in the child's case file.

17 When the Department determines that an individual or a
18 group of relatives are appropriate to serve as visitation
19 resources or possible future placement resources, the
20 Department shall document the basis of its determination,
21 maintain the documentation in the child's case file, create a
22 visitation or transition plan, or both, and incorporate the
23 visitation or transition plan, or both, into the child's case
24 plan. For the purpose of this subsection, any determination as
25 to the child's best interests shall include consideration of
26 the factors set out in subsection (4.05) of Section 1-3 of the

1 Juvenile Court Act of 1987.

2 The Department may not place a child with a relative, with
3 the exception of certain circumstances which may be waived as
4 defined by the Department in rules, if the results of a check
5 of the Law Enforcement Agencies Data System (LEADS) identifies
6 a prior criminal conviction of the relative or any adult member
7 of the relative's household for any of the following offenses
8 under the Criminal Code of 1961:

9 (1) murder;

10 (1.1) solicitation of murder;

11 (1.2) solicitation of murder for hire;

12 (1.3) intentional homicide of an unborn child;

13 (1.4) voluntary manslaughter of an unborn child;

14 (1.5) involuntary manslaughter;

15 (1.6) reckless homicide;

16 (1.7) concealment of a homicidal death;

17 (1.8) involuntary manslaughter of an unborn child;

18 (1.9) reckless homicide of an unborn child;

19 (1.10) drug-induced homicide;

20 (2) a sex offense under Article 11, except offenses
21 described in Sections 11-7, 11-8, 11-12, ~~and~~ 11-13, 11-35,
22 11-40, and 11-45;

23 (3) kidnapping;

24 (3.1) aggravated unlawful restraint;

25 (3.2) forcible detention;

26 (3.3) aiding and abetting child abduction;

- 1 (4) aggravated kidnapping;
- 2 (5) child abduction;
- 3 (6) aggravated battery of a child;
- 4 (7) criminal sexual assault;
- 5 (8) aggravated criminal sexual assault;
- 6 (8.1) predatory criminal sexual assault of a child;
- 7 (9) criminal sexual abuse;
- 8 (10) aggravated sexual abuse;
- 9 (11) heinous battery;
- 10 (12) aggravated battery with a firearm;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug-induced infliction of great bodily harm;
- 13 (15) aggravated stalking;
- 14 (16) home invasion;
- 15 (17) vehicular invasion;
- 16 (18) criminal transmission of HIV;
- 17 (19) criminal abuse or neglect of an elderly or
- 18 disabled person;
- 19 (20) child abandonment;
- 20 (21) endangering the life or health of a child;
- 21 (22) ritual mutilation;
- 22 (23) ritualized abuse of a child;
- 23 (24) an offense in any other state the elements of
- 24 which are similar and bear a substantial relationship to
- 25 any of the foregoing offenses.
- 26 For the purpose of this subsection, "relative" shall include

1 any person, 21 years of age or over, other than the parent, who
2 (i) is currently related to the child in any of the following
3 ways by blood or adoption: grandparent, sibling,
4 great-grandparent, uncle, aunt, nephew, niece, first cousin,
5 second cousin, godparent, great-uncle, or great-aunt; or (ii)
6 is the spouse of such a relative; or (iii) is the child's
7 step-father, step-mother, or adult step-brother or
8 step-sister; "relative" also includes a person related in any
9 of the foregoing ways to a sibling of a child, even though the
10 person is not related to the child, when the child and its
11 sibling are placed together with that person. For children who
12 have been in the guardianship of the Department, have been
13 adopted, and are subsequently returned to the temporary custody
14 or guardianship of the Department, a "relative" may also
15 include any person who would have qualified as a relative under
16 this paragraph prior to the adoption, but only if the
17 Department determines, and documents, that it would be in the
18 child's best interests to consider this person a relative,
19 based upon the factors for determining best interests set forth
20 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
21 of 1987. A relative with whom a child is placed pursuant to
22 this subsection may, but is not required to, apply for
23 licensure as a foster family home pursuant to the Child Care
24 Act of 1969; provided, however, that as of July 1, 1995, foster
25 care payments shall be made only to licensed foster family
26 homes pursuant to the terms of Section 5 of this Act.

1 (c) In placing a child under this Act, the Department shall
2 ensure that the child's health, safety, and best interests are
3 met. In rejecting placement of a child with an identified
4 relative, the Department shall ensure that the child's health,
5 safety, and best interests are met. In evaluating the best
6 interests of the child, the Department shall take into
7 consideration the factors set forth in subsection (4.05) of
8 Section 1-3 of the Juvenile Court Act of 1987.

9 The Department shall consider the individual needs of the
10 child and the capacity of the prospective foster or adoptive
11 parents to meet the needs of the child. When a child must be
12 placed outside his or her home and cannot be immediately
13 returned to his or her parents or guardian, a comprehensive,
14 individualized assessment shall be performed of that child at
15 which time the needs of the child shall be determined. Only if
16 race, color, or national origin is identified as a legitimate
17 factor in advancing the child's best interests shall it be
18 considered. Race, color, or national origin shall not be
19 routinely considered in making a placement decision. The
20 Department shall make special efforts for the diligent
21 recruitment of potential foster and adoptive families that
22 reflect the ethnic and racial diversity of the children for
23 whom foster and adoptive homes are needed. "Special efforts"
24 shall include contacting and working with community
25 organizations and religious organizations and may include
26 contracting with those organizations, utilizing local media

1 and other local resources, and conducting outreach activities.

2 (c-1) At the time of placement, the Department shall
3 consider concurrent planning, as described in subsection (1-1)
4 of Section 5, so that permanency may occur at the earliest
5 opportunity. Consideration should be given so that if
6 reunification fails or is delayed, the placement made is the
7 best available placement to provide permanency for the child.

8 (d) The Department may accept gifts, grants, offers of
9 services, and other contributions to use in making special
10 recruitment efforts.

11 (e) The Department in placing children in adoptive or
12 foster care homes may not, in any policy or practice relating
13 to the placement of children for adoption or foster care,
14 discriminate against any child or prospective adoptive or
15 foster parent on the basis of race.

16 (Source: P.A. 94-880, eff. 8-1-06.)

17 Section 925. The Criminal Identification Act is amended by
18 changing Section 5.2 as follows:

19 (20 ILCS 2630/5.2)

20 Sec. 5.2. Expungement and sealing.

21 (a) General Provisions.

22 (1) Definitions. In this Act, words and phrases have
23 the meanings set forth in this subsection, except when a
24 particular context clearly requires a different meaning.

1 (A) The following terms shall have the meanings
2 ascribed to them in the Unified Code of Corrections,
3 730 ILCS 5/5-1-2 through 5/5-1-22:

- 4 (i) Business Offense (730 ILCS 5/5-1-2),
5 (ii) Charge (730 ILCS 5/5-1-3),
6 (iii) Court (730 ILCS 5/5-1-6),
7 (iv) Defendant (730 ILCS 5/5-1-7),
8 (v) Felony (730 ILCS 5/5-1-9),
9 (vi) Imprisonment (730 ILCS 5/5-1-10),
10 (vii) Judgment (730 ILCS 5/5-1-12),
11 (viii) Misdemeanor (730 ILCS 5/5-1-14),
12 (ix) Offense (730 ILCS 5/5-1-15),
13 (x) Parole (730 ILCS 5/5-1-16),
14 (xi) Petty Offense (730 ILCS 5/5-1-17),
15 (xii) Probation (730 ILCS 5/5-1-18),
16 (xiii) Sentence (730 ILCS 5/5-1-19),
17 (xiv) Supervision (730 ILCS 5/5-1-21), and
18 (xv) Victim (730 ILCS 5/5-1-22).

19 (B) As used in this Section, "charge not initiated
20 by arrest" means a charge (as defined by 730 ILCS
21 5/5-1-3) brought against a defendant where the
22 defendant is not arrested prior to or as a direct
23 result of the charge.

24 (C) "Conviction" means a judgment of conviction or
25 sentence entered upon a plea of guilty or upon a
26 verdict or finding of guilty of an offense, rendered by

1 a legally constituted jury or by a court of competent
2 jurisdiction authorized to try the case without a jury.
3 An order of supervision successfully completed by the
4 petitioner is not a conviction. An order of qualified
5 probation (as defined in subsection (a)(1)(J))
6 successfully completed by the petitioner is not a
7 conviction. An order of supervision or an order of
8 qualified probation that is terminated
9 unsatisfactorily is a conviction, unless the
10 unsatisfactory termination is reversed, vacated, or
11 modified and the judgment of conviction, if any, is
12 reversed or vacated.

13 (D) "Criminal offense" means a petty offense,
14 business offense, misdemeanor, felony, or municipal
15 ordinance violation (as defined in subsection
16 (a)(1)(H)). As used in this Section, a minor traffic
17 offense (as defined in subsection (a)(1)(G)) shall not
18 be considered a criminal offense.

19 (E) "Expunge" means to physically destroy the
20 records or return them to the petitioner and to
21 obliterate the petitioner's name from any official
22 index or public record, or both. Nothing in this Act
23 shall require the physical destruction of the circuit
24 court file, but such records relating to arrests or
25 charges, or both, ordered expunged shall be impounded
26 as required by subsections (d)(9)(A)(ii) and

1 (d) (9) (B) (ii) .

2 (F) As used in this Section, "last sentence" means
3 the sentence, order of supervision, or order of
4 qualified probation (as defined by subsection
5 (a) (1) (J)), for a criminal offense (as defined by
6 subsection (a) (1) (D)) that terminates last in time in
7 any jurisdiction, regardless of whether the petitioner
8 has included the criminal offense for which the
9 sentence or order of supervision or qualified
10 probation was imposed in his or her petition. If
11 multiple sentences, orders of supervision, or orders
12 of qualified probation terminate on the same day and
13 are last in time, they shall be collectively considered
14 the "last sentence" regardless of whether they were
15 ordered to run concurrently.

16 (G) "Minor traffic offense" means a petty offense,
17 business offense, or Class C misdemeanor under the
18 Illinois Vehicle Code or a similar provision of a
19 municipal or local ordinance.

20 (H) "Municipal ordinance violation" means an
21 offense defined by a municipal or local ordinance that
22 is criminal in nature and with which the petitioner was
23 charged or for which the petitioner was arrested and
24 released without charging.

25 (I) "Petitioner" means an adult or a minor
26 prosecuted as an adult who has applied for relief under

1 this Section.

2 (J) "Qualified probation" means an order of
3 probation under Section 10 of the Cannabis Control Act,
4 Section 410 of the Illinois Controlled Substances Act,
5 Section 70 of the Methamphetamine Control and
6 Community Protection Act, Section 12-4.3(b)(1) and (2)
7 of the Criminal Code of 1961 (as those provisions
8 existed before their deletion by Public Act 89-313),
9 Section 10-102 of the Illinois Alcoholism and Other
10 Drug Dependency Act, Section 40-10 of the Alcoholism
11 and Other Drug Abuse and Dependency Act, or Section 10
12 of the Steroid Control Act. For the purpose of this
13 Section, "successful completion" of an order of
14 qualified probation under Section 10-102 of the
15 Illinois Alcoholism and Other Drug Dependency Act and
16 Section 40-10 of the Alcoholism and Other Drug Abuse
17 and Dependency Act means that the probation was
18 terminated satisfactorily and the judgment of
19 conviction was vacated.

20 (K) "Seal" means to physically and electronically
21 maintain the records, unless the records would
22 otherwise be destroyed due to age, but to make the
23 records unavailable without a court order, subject to
24 the exceptions in Sections 12 and 13 of this Act. The
25 petitioner's name shall also be obliterated from the
26 official index required to be kept by the circuit court

1 clerk under Section 16 of the Clerks of Courts Act, but
2 any index issued by the circuit court clerk before the
3 entry of the order to seal shall not be affected.

4 (L) "Sexual offense committed against a minor"
5 includes but is not limited to the offenses of indecent
6 solicitation of a child or criminal sexual abuse when
7 the victim of such offense is under 18 years of age.

8 (M) "Terminate" as it relates to a sentence or
9 order of supervision or qualified probation includes
10 either satisfactory or unsatisfactory termination of
11 the sentence, unless otherwise specified in this
12 Section.

13 (2) Minor Traffic Offenses. Orders of supervision or
14 convictions for minor traffic offenses shall not affect a
15 petitioner's eligibility to expunge or seal records
16 pursuant to this Section.

17 (3) Exclusions. Except as otherwise provided in
18 subsections (b) (5), (b) (6), and (e) of this Section, the
19 court shall not order:

20 (A) the sealing or expungement of the records of
21 arrests or charges not initiated by arrest that result
22 in an order of supervision for or conviction of: (i)
23 any sexual offense committed against a minor; (ii)
24 Section 11-501 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance; or (iii)
26 Section 11-503 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance.

2 (B) the sealing or expungement of records of minor
3 traffic offenses (as defined in subsection (a)(1)(G)),
4 unless the petitioner was arrested and released
5 without charging.

6 (C) the sealing of the records of arrests or
7 charges not initiated by arrest which result in an
8 order of supervision, an order of qualified probation
9 (as defined in subsection (a)(1)(J)), or a conviction
10 for the following offenses:

11 (i) offenses included in Article 11 of the
12 Criminal Code of 1961 or a similar provision of a
13 local ordinance, except Section 11-14 of the
14 Criminal Code of 1961 or a similar provision of a
15 local ordinance;

16 (ii) Section 11-1.50, 12-15, 12-30, or 26-5 of
17 the Criminal Code of 1961 or a similar provision of
18 a local ordinance;

19 (iii) offenses defined as "crimes of violence"
20 in Section 2 of the Crime Victims Compensation Act
21 or a similar provision of a local ordinance;

22 (iv) offenses which are Class A misdemeanors
23 under the Humane Care for Animals Act; or

24 (v) any offense or attempted offense that
25 would subject a person to registration under the
26 Sex Offender Registration Act.

1 (D) the sealing of the records of an arrest which
2 results in the petitioner being charged with a felony
3 offense or records of a charge not initiated by arrest
4 for a felony offense, regardless of the disposition,
5 unless:

6 (i) the charge is amended to a misdemeanor and
7 is otherwise eligible to be sealed pursuant to
8 subsection (c);

9 (ii) the charge is brought along with another
10 charge as a part of one case and the charge results
11 in acquittal, dismissal, or conviction when the
12 conviction was reversed or vacated, and another
13 charge brought in the same case results in a
14 disposition for a misdemeanor offense that is
15 eligible to be sealed pursuant to subsection (c) or
16 a disposition listed in paragraph (i), (iii) or
17 (iv) of this subsection;

18 (iii) the charge results in first offender
19 probation as set forth in subsection (c)(2)(E); or

20 (iv) the charge is for a Class 4 felony offense
21 listed in subsection (c)(2)(F) or the charge is
22 amended to a Class 4 felony offense listed in
23 subsection (c)(2)(F). Records of arrests which
24 result in the petitioner being charged with a Class
25 4 felony offense listed in subsection (c)(2)(F),
26 records of charges not initiated by arrest for

1 Class 4 felony offenses listed in subsection
2 (c)(2)(F), and records of charges amended to a
3 Class 4 felony offense listed in (c)(2)(F) may be
4 sealed, regardless of the disposition, subject to
5 any waiting periods set forth in subsection
6 (c)(3).

7 (b) Expungement.

8 (1) A petitioner may petition the circuit court to
9 expunge the records of his or her arrests and charges not
10 initiated by arrest when:

11 (A) He or she has never been convicted of a
12 criminal offense; and

13 (B) Each arrest or charge not initiated by arrest
14 sought to be expunged resulted in: (i) acquittal,
15 dismissal, or the petitioner's release without
16 charging, unless excluded by subsection (a)(3)(B);
17 (ii) a conviction which was vacated or reversed, unless
18 excluded by subsection (a)(3)(B); (iii) an order of
19 supervision and such supervision was successfully
20 completed by the petitioner, unless excluded by
21 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
22 qualified probation (as defined in subsection
23 (a)(1)(J)) and such probation was successfully
24 completed by the petitioner.

25 (2) Time frame for filing a petition to expunge.

26 (A) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an acquittal,
2 dismissal, the petitioner's release without charging,
3 or the reversal or vacation of a conviction, there is
4 no waiting period to petition for the expungement of
5 such records.

6 (B) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 supervision, successfully completed by the petitioner,
9 the following time frames will apply:

10 (i) Those arrests or charges that resulted in
11 orders of supervision under Section 3-707, 3-708,
12 3-710, or 5-401.3 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, or under
14 Section 11-1.50, 12-3.2, 12-15 or 16A-3 of the
15 Criminal Code of 1961 or a similar provision of a
16 local ordinance, shall not be eligible for
17 expungement until 5 years have passed following
18 the satisfactory termination of the supervision.

19 (ii) Those arrests or charges that resulted in
20 orders of supervision for any other offenses shall
21 not be eligible for expungement until 2 years have
22 passed following the satisfactory termination of
23 the supervision.

24 (C) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an order of
26 qualified probation, successfully completed by the

1 petitioner, such records shall not be eligible for
2 expungement until 5 years have passed following the
3 satisfactory termination of the probation.

4 (3) Those records maintained by the Department for
5 persons arrested prior to their 17th birthday shall be
6 expunged as provided in Section 5-915 of the Juvenile Court
7 Act of 1987.

8 (4) Whenever a person has been arrested for or
9 convicted of any offense, in the name of a person whose
10 identity he or she has stolen or otherwise come into
11 possession of, the aggrieved person from whom the identity
12 was stolen or otherwise obtained without authorization,
13 upon learning of the person having been arrested using his
14 or her identity, may, upon verified petition to the chief
15 judge of the circuit wherein the arrest was made, have a
16 court order entered nunc pro tunc by the Chief Judge to
17 correct the arrest record, conviction record, if any, and
18 all official records of the arresting authority, the
19 Department, other criminal justice agencies, the
20 prosecutor, and the trial court concerning such arrest, if
21 any, by removing his or her name from all such records in
22 connection with the arrest and conviction, if any, and by
23 inserting in the records the name of the offender, if known
24 or ascertainable, in lieu of the aggrieved's name. The
25 records of the circuit court clerk shall be sealed until
26 further order of the court upon good cause shown and the

1 name of the aggrieved person obliterated on the official
2 index required to be kept by the circuit court clerk under
3 Section 16 of the Clerks of Courts Act, but the order shall
4 not affect any index issued by the circuit court clerk
5 before the entry of the order. Nothing in this Section
6 shall limit the Department of State Police or other
7 criminal justice agencies or prosecutors from listing
8 under an offender's name the false names he or she has
9 used.

10 (5) Whenever a person has been convicted of criminal
11 sexual assault, aggravated criminal sexual assault,
12 predatory criminal sexual assault of a child, criminal
13 sexual abuse, or aggravated criminal sexual abuse, the
14 victim of that offense may request that the State's
15 Attorney of the county in which the conviction occurred
16 file a verified petition with the presiding trial judge at
17 the petitioner's trial to have a court order entered to
18 seal the records of the circuit court clerk in connection
19 with the proceedings of the trial court concerning that
20 offense. However, the records of the arresting authority
21 and the Department of State Police concerning the offense
22 shall not be sealed. The court, upon good cause shown,
23 shall make the records of the circuit court clerk in
24 connection with the proceedings of the trial court
25 concerning the offense available for public inspection.

26 (6) If a conviction has been set aside on direct review

1 or on collateral attack and the court determines by clear
2 and convincing evidence that the petitioner was factually
3 innocent of the charge, the court shall enter an
4 expungement order as provided in subsection (b) of Section
5 5-5-4 of the Unified Code of Corrections.

6 (7) Nothing in this Section shall prevent the
7 Department of State Police from maintaining all records of
8 any person who is admitted to probation upon terms and
9 conditions and who fulfills those terms and conditions
10 pursuant to Section 10 of the Cannabis Control Act, Section
11 410 of the Illinois Controlled Substances Act, Section 70
12 of the Methamphetamine Control and Community Protection
13 Act, Section 12-4.3 of the Criminal Code of 1961, Section
14 10-102 of the Illinois Alcoholism and Other Drug Dependency
15 Act, Section 40-10 of the Alcoholism and Other Drug Abuse
16 and Dependency Act, or Section 10 of the Steroid Control
17 Act.

18 (c) Sealing.

19 (1) Applicability. Notwithstanding any other provision
20 of this Act to the contrary, and cumulative with any rights
21 to expungement of criminal records, this subsection
22 authorizes the sealing of criminal records of adults and of
23 minors prosecuted as adults.

24 (2) Eligible Records. The following records may be
25 sealed:

26 (A) All arrests resulting in release without

1 charging;

2 (B) Arrests or charges not initiated by arrest
3 resulting in acquittal, dismissal, or conviction when
4 the conviction was reversed or vacated, except as
5 excluded by subsection (a) (3) (B) or (a) (3) (D);

6 (C) Arrests or charges not initiated by arrest
7 resulting in orders of supervision successfully
8 completed by the petitioner, unless excluded by
9 subsection (a) (3);

10 (D) Arrests or charges not initiated by arrest
11 resulting in convictions unless excluded by subsection
12 (a) (3);

13 (E) Arrests or charges not initiated by arrest
14 resulting in orders of first offender probation under
15 Section 10 of the Cannabis Control Act, Section 410 of
16 the Illinois Controlled Substances Act, or Section 70
17 of the Methamphetamine Control and Community
18 Protection Act; and

19 (F) Arrests or charges not initiated by arrest
20 resulting in Class 4 felony convictions for the
21 following offenses:

22 (i) Section 11-14 of the Criminal Code of 1961;

23 (ii) Section 4 of the Cannabis Control Act;

24 (iii) Section 402 of the Illinois Controlled
25 Substances Act;

26 (iv) the Methamphetamine Precursor Control

1 Act; and

2 (v) the Steroid Control Act.

3 (3) When Records Are Eligible to Be Sealed. Records
4 identified as eligible under subsection (c)(2) may be
5 sealed as follows:

6 (A) Records identified as eligible under
7 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
8 time.

9 (B) Records identified as eligible under
10 subsection (c)(2)(C) may be sealed (i) 3 years after
11 the termination of petitioner's last sentence (as
12 defined in subsection (a)(1)(F)) if the petitioner has
13 never been convicted of a criminal offense (as defined
14 in subsection (a)(1)(D)); or (ii) 4 years after the
15 termination of the petitioner's last sentence (as
16 defined in subsection (a)(1)(F)) if the petitioner has
17 ever been convicted of a criminal offense (as defined
18 in subsection (a)(1)(D)).

19 (C) Records identified as eligible under
20 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
21 sealed 4 years after the termination of the
22 petitioner's last sentence (as defined in subsection
23 (a)(1)(F)).

24 (4) Subsequent felony convictions. A person may not
25 have subsequent felony conviction records sealed as
26 provided in this subsection (c) if he or she is convicted

1 of any felony offense after the date of the sealing of
2 prior felony convictions as provided in this subsection
3 (c). The court may, upon conviction for a subsequent felony
4 offense, order the unsealing of prior felony conviction
5 records previously ordered sealed by the court.

6 (5) Notice of eligibility for sealing. Upon entry of a
7 disposition for an eligible record under this subsection
8 (c), the petitioner shall be informed by the court of the
9 right to have the records sealed and the procedures for the
10 sealing of the records.

11 (d) Procedure. The following procedures apply to
12 expungement under subsections (b) and (e), and sealing under
13 subsection (c):

14 (1) Filing the petition. Upon becoming eligible to
15 petition for the expungement or sealing of records under
16 this Section, the petitioner shall file a petition
17 requesting the expungement or sealing of records with the
18 clerk of the court where the arrests occurred or the
19 charges were brought, or both. If arrests occurred or
20 charges were brought in multiple jurisdictions, a petition
21 must be filed in each such jurisdiction. The petitioner
22 shall pay the applicable fee, if not waived.

23 (2) Contents of petition. The petition shall be
24 verified and shall contain the petitioner's name, date of
25 birth, current address and, for each arrest or charge not
26 initiated by arrest sought to be sealed or expunged, the

1 case number, the date of arrest (if any), the identity of
2 the arresting authority, and such other information as the
3 court may require. During the pendency of the proceeding,
4 the petitioner shall promptly notify the circuit court
5 clerk of any change of his or her address.

6 (3) Drug test. The petitioner must attach to the
7 petition proof that the petitioner has passed a test taken
8 within 30 days before the filing of the petition showing
9 the absence within his or her body of all illegal
10 substances as defined by the Illinois Controlled
11 Substances Act, the Methamphetamine Control and Community
12 Protection Act, and the Cannabis Control Act if he or she
13 is petitioning to seal felony records pursuant to clause
14 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
15 petitioning to expunge felony records of a qualified
16 probation pursuant to clause (b) (1) (B) (iv).

17 (4) Service of petition. The circuit court clerk shall
18 promptly serve a copy of the petition on the State's
19 Attorney or prosecutor charged with the duty of prosecuting
20 the offense, the Department of State Police, the arresting
21 agency and the chief legal officer of the unit of local
22 government effecting the arrest.

23 (5) Objections.

24 (A) Any party entitled to notice of the petition
25 may file an objection to the petition. All objections
26 shall be in writing, shall be filed with the circuit

1 court clerk, and shall state with specificity the basis
2 of the objection.

3 (B) Objections to a petition to expunge or seal
4 must be filed within 60 days of the date of service of
5 the petition.

6 (6) Entry of order.

7 (A) The Chief Judge of the circuit wherein the
8 charge was brought, any judge of that circuit
9 designated by the Chief Judge, or in counties of less
10 than 3,000,000 inhabitants, the presiding trial judge
11 at the petitioner's trial, if any, shall rule on the
12 petition to expunge or seal as set forth in this
13 subsection (d) (6).

14 (B) Unless the State's Attorney or prosecutor, the
15 Department of State Police, the arresting agency, or
16 the chief legal officer files an objection to the
17 petition to expunge or seal within 60 days from the
18 date of service of the petition, the court shall enter
19 an order granting or denying the petition.

20 (7) Hearings. If an objection is filed, the court shall
21 set a date for a hearing and notify the petitioner and all
22 parties entitled to notice of the petition of the hearing
23 date at least 30 days prior to the hearing, and shall hear
24 evidence on whether the petition should or should not be
25 granted, and shall grant or deny the petition to expunge or
26 seal the records based on the evidence presented at the

1 hearing.

2 (8) Service of order. After entering an order to
3 expunge or seal records, the court must provide copies of
4 the order to the Department, in a form and manner
5 prescribed by the Department, to the petitioner, to the
6 State's Attorney or prosecutor charged with the duty of
7 prosecuting the offense, to the arresting agency, to the
8 chief legal officer of the unit of local government
9 effecting the arrest, and to such other criminal justice
10 agencies as may be ordered by the court.

11 (9) Effect of order.

12 (A) Upon entry of an order to expunge records
13 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

14 (i) the records shall be expunged (as defined
15 in subsection (a) (1) (E)) by the arresting agency,
16 the Department, and any other agency as ordered by
17 the court, within 60 days of the date of service of
18 the order, unless a motion to vacate, modify, or
19 reconsider the order is filed pursuant to
20 paragraph (12) of subsection (d) of this Section;

21 (ii) the records of the circuit court clerk
22 shall be impounded until further order of the court
23 upon good cause shown and the name of the
24 petitioner obliterated on the official index
25 required to be kept by the circuit court clerk
26 under Section 16 of the Clerks of Courts Act, but

1 the order shall not affect any index issued by the
2 circuit court clerk before the entry of the order;
3 and

4 (iii) in response to an inquiry for expunged
5 records, the court, the Department, or the agency
6 receiving such inquiry, shall reply as it does in
7 response to inquiries when no records ever
8 existed.

9 (B) Upon entry of an order to expunge records
10 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

11 (i) the records shall be expunged (as defined
12 in subsection (a) (1) (E)) by the arresting agency
13 and any other agency as ordered by the court,
14 within 60 days of the date of service of the order,
15 unless a motion to vacate, modify, or reconsider
16 the order is filed pursuant to paragraph (12) of
17 subsection (d) of this Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the court
20 upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;

26 (iii) the records shall be impounded by the

1 Department within 60 days of the date of service of
2 the order as ordered by the court, unless a motion
3 to vacate, modify, or reconsider the order is filed
4 pursuant to paragraph (12) of subsection (d) of
5 this Section;

6 (iv) records impounded by the Department may
7 be disseminated by the Department only as required
8 by law or to the arresting authority, the State's
9 Attorney, and the court upon a later arrest for the
10 same or a similar offense or for the purpose of
11 sentencing for any subsequent felony, and to the
12 Department of Corrections upon conviction for any
13 offense; and

14 (v) in response to an inquiry for such records
15 from anyone not authorized by law to access such
16 records the court, the Department, or the agency
17 receiving such inquiry shall reply as it does in
18 response to inquiries when no records ever
19 existed.

20 (C) Upon entry of an order to seal records under
21 subsection (c), the arresting agency, any other agency
22 as ordered by the court, the Department, and the court
23 shall seal the records (as defined in subsection
24 (a)(1)(K)). In response to an inquiry for such records
25 from anyone not authorized by law to access such
26 records the court, the Department, or the agency

1 receiving such inquiry shall reply as it does in
2 response to inquiries when no records ever existed.

3 (10) Fees. The Department may charge the petitioner a
4 fee equivalent to the cost of processing any order to
5 expunge or seal records. Notwithstanding any provision of
6 the Clerks of Courts Act to the contrary, the circuit court
7 clerk may charge a fee equivalent to the cost associated
8 with the sealing or expungement of records by the circuit
9 court clerk. From the total filing fee collected for the
10 petition to seal or expunge, the circuit court clerk shall
11 deposit \$10 into the Circuit Court Clerk Operation and
12 Administrative Fund, to be used to offset the costs
13 incurred by the circuit court clerk in performing the
14 additional duties required to serve the petition to seal or
15 expunge on all parties. The circuit court clerk shall
16 collect and forward the Department of State Police portion
17 of the fee to the Department and it shall be deposited in
18 the State Police Services Fund.

19 (11) Final Order. No court order issued under the
20 expungement or sealing provisions of this Section shall
21 become final for purposes of appeal until 30 days after
22 service of the order on the petitioner and all parties
23 entitled to notice of the petition.

24 (12) Motion to Vacate, Modify, or Reconsider. The
25 petitioner or any party entitled to notice may file a
26 motion to vacate, modify, or reconsider the order granting

1 or denying the petition to expunge or seal within 60 days
2 of service of the order.

3 (e) Whenever a person who has been convicted of an offense
4 is granted a pardon by the Governor which specifically
5 authorizes expungement, he or she may, upon verified petition
6 to the Chief Judge of the circuit where the person had been
7 convicted, any judge of the circuit designated by the Chief
8 Judge, or in counties of less than 3,000,000 inhabitants, the
9 presiding trial judge at the defendant's trial, have a court
10 order entered expunging the record of arrest from the official
11 records of the arresting authority and order that the records
12 of the circuit court clerk and the Department be sealed until
13 further order of the court upon good cause shown or as
14 otherwise provided herein, and the name of the defendant
15 obliterated from the official index requested to be kept by the
16 circuit court clerk under Section 16 of the Clerks of Courts
17 Act in connection with the arrest and conviction for the
18 offense for which he or she had been pardoned but the order
19 shall not affect any index issued by the circuit court clerk
20 before the entry of the order. All records sealed by the
21 Department may be disseminated by the Department only as
22 required by law or to the arresting authority, the State's
23 Attorney, and the court upon a later arrest for the same or
24 similar offense or for the purpose of sentencing for any
25 subsequent felony. Upon conviction for any subsequent offense,
26 the Department of Corrections shall have access to all sealed

1 records of the Department pertaining to that individual. Upon
2 entry of the order of expungement, the circuit court clerk
3 shall promptly mail a copy of the order to the person who was
4 pardoned.

5 (f) Subject to available funding, the Illinois Department
6 of Corrections shall conduct a study of the impact of sealing,
7 especially on employment and recidivism rates, utilizing a
8 random sample of those who apply for the sealing of their
9 criminal records under Public Act 93-211. At the request of the
10 Illinois Department of Corrections, records of the Illinois
11 Department of Employment Security shall be utilized as
12 appropriate to assist in the study. The study shall not
13 disclose any data in a manner that would allow the
14 identification of any particular individual or employing unit.
15 The study shall be made available to the General Assembly no
16 later than September 1, 2010.

17 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10.)

18 Section 930. The Sex Offender Management Board Act is
19 amended by changing Section 10 as follows:

20 (20 ILCS 4026/10)

21 Sec. 10. Definitions. In this Act, unless the context
22 otherwise requires:

23 (a) "Board" means the Sex Offender Management Board created
24 in Section 15.

1 (b) "Sex offender" means any person who is convicted or
2 found delinquent in the State of Illinois, or under any
3 substantially similar federal law or law of another state, of
4 any sex offense or attempt of a sex offense as defined in
5 subsection (c) of this Section, or any former statute of this
6 State that defined a felony sex offense, or who has been
7 certified as a sexually dangerous person under the Sexually
8 Dangerous Persons Act or declared a sexually violent person
9 under the Sexually Violent Persons Commitment Act, or any
10 substantially similar federal law or law of another state.

11 (c) "Sex offense" means any felony or misdemeanor offense
12 described in this subsection (c) as follows:

13 (1) Indecent solicitation of a child, in violation of
14 Section 11-6 of the Criminal Code of 1961;

15 (2) Indecent solicitation of an adult, in violation of
16 Section 11-6.5 of the Criminal Code of 1961;

17 (3) Public indecency, in violation of Section 11-9 or
18 11-30 of the Criminal Code of 1961;

19 (4) Sexual exploitation of a child, in violation of
20 Section 11-9.1 of the Criminal Code of 1961;

21 (5) Sexual relations within families, in violation of
22 Section 11-11 of the Criminal Code of 1961;

23 (6) Promoting juvenile prostitution or soliciting
24 ~~Soliciting~~ for a juvenile prostitute, in violation of
25 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961;

26 (7) Promoting juvenile prostitution or keeping ~~Keeping~~

1 a place of juvenile prostitution, in violation of Section
2 11-14.4 or 11-17.1 of the Criminal Code of 1961;

3 (8) Patronizing a juvenile prostitute, in violation of
4 Section 11-18.1 of the Criminal Code of 1961;

5 (9) Promoting juvenile prostitution or juvenile
6 ~~Juvenile~~ pimping, in violation of Section 11-14.4 or
7 11-19.1 of the Criminal Code of 1961;

8 (10) promoting juvenile prostitution or exploitation
9 ~~Exploitation~~ of a child, in violation of Section 11-14.4 or
10 11-19.2 of the Criminal Code of 1961;

11 (11) Child pornography, in violation of Section
12 11-20.1 of the Criminal Code of 1961;

13 (11.5) Aggravated child pornography, in violation of
14 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

15 (12) Harmful material, in violation of Section 11-21 of
16 the Criminal Code of 1961;

17 (13) Criminal sexual assault, in violation of Section
18 11-1.20 or 12-13 of the Criminal Code of 1961;

19 (14) Aggravated criminal sexual assault, in violation
20 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

21 (15) Predatory criminal sexual assault of a child, in
22 violation of Section 11-1.40 or 12-14.1 of the Criminal
23 Code of 1961;

24 (16) Criminal sexual abuse, in violation of Section
25 11-1.50 or 12-15 of the Criminal Code of 1961;

26 (17) Aggravated criminal sexual abuse, in violation of

1 Section 11-1.60 or 12-16 of the Criminal Code of 1961;

2 (18) Ritualized abuse of a child, in violation of
3 Section 12-33 of the Criminal Code of 1961;

4 (19) An attempt to commit any of the offenses
5 enumerated in this subsection (c); or

6 (20) Any felony offense under Illinois law that is
7 sexually motivated.

8 (d) "Management" means counseling, monitoring, and
9 supervision of any sex offender that conforms to the standards
10 created by the Board under Section 15.

11 (e) "Sexually motivated" means one or more of the facts of
12 the underlying offense indicates conduct that is of a sexual
13 nature or that shows an intent to engage in behavior of a
14 sexual nature.

15 (Source: P.A. 93-616, eff. 1-1-04.)

16 Section 935. The Illinois Police Training Act is amended by
17 changing Sections 6 and 6.1 as follows:

18 (50 ILCS 705/6) (from Ch. 85, par. 506)

19 Sec. 6. Selection and certification of schools. The Board
20 shall select and certify schools within the State of Illinois
21 for the purpose of providing basic training for probationary
22 police officers, probationary county corrections officers, and
23 court security officers and of providing advanced or in-service
24 training for permanent police officers or permanent county

1 corrections officers, which schools may be either publicly or
2 privately owned and operated. In addition, the Board has the
3 following power and duties:

4 a. To require local governmental units to furnish such
5 reports and information as the Board deems necessary to
6 fully implement this Act.

7 b. To establish appropriate mandatory minimum
8 standards relating to the training of probationary local
9 law enforcement officers or probationary county
10 corrections officers.

11 c. To provide appropriate certification to those
12 probationary officers who successfully complete the
13 prescribed minimum standard basic training course.

14 d. To review and approve annual training curriculum for
15 county sheriffs.

16 e. To review and approve applicants to ensure no
17 applicant is admitted to a certified academy unless the
18 applicant is a person of good character and has not been
19 convicted of a felony offense, any of the misdemeanors in
20 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,
21 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,
22 32-4a, or 32-7 of the Criminal Code of 1961, subdivision
23 (a) (1) or (a) (2) (C) of Section 11-14.3 of the Criminal Code
24 of 1961, or Section 5 or 5.2 of the Cannabis Control Act,
25 or a crime involving moral turpitude under the laws of this
26 State or any other state which if committed in this State

1 would be punishable as a felony or a crime of moral
2 turpitude. The Board may appoint investigators who shall
3 enforce the duties conferred upon the Board by this Act.

4 (Source: P.A. 91-495, eff. 1-1-00.)

5 (50 ILCS 705/6.1)

6 Sec. 6.1. Decertification of full-time and part-time
7 police officers.

8 (a) The Board must review police officer conduct and
9 records to ensure that no police officer is certified or
10 provided a valid waiver if that police officer has been
11 convicted of a felony offense under the laws of this State or
12 any other state which if committed in this State would be
13 punishable as a felony. The Board must also ensure that no
14 police officer is certified or provided a valid waiver if that
15 police officer has been convicted on or after the effective
16 date of this amendatory Act of 1999 of any misdemeanor
17 specified in this Section or if committed in any other state
18 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,
19 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,
20 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961,
21 to subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
22 Criminal Code of 1961, or to Section 5 or 5.2 of the Cannabis
23 Control Act. The Board must appoint investigators to enforce
24 the duties conferred upon the Board by this Act.

25 (b) It is the responsibility of the sheriff or the chief

1 executive officer of every local law enforcement agency or
2 department within this State to report to the Board any arrest
3 or conviction of any officer for an offense identified in this
4 Section.

5 (c) It is the duty and responsibility of every full-time
6 and part-time police officer in this State to report to the
7 Board within 30 days, and the officer's sheriff or chief
8 executive officer, of his or her arrest or conviction for an
9 offense identified in this Section. Any full-time or part-time
10 police officer who knowingly makes, submits, causes to be
11 submitted, or files a false or untruthful report to the Board
12 must have his or her certificate or waiver immediately
13 decertified or revoked.

14 (d) Any person, or a local or State agency, or the Board is
15 immune from liability for submitting, disclosing, or releasing
16 information of arrests or convictions in this Section as long
17 as the information is submitted, disclosed, or released in good
18 faith and without malice. The Board has qualified immunity for
19 the release of the information.

20 (e) Any full-time or part-time police officer with a
21 certificate or waiver issued by the Board who is convicted of
22 any offense described in this Section immediately becomes
23 decertified or no longer has a valid waiver. The
24 decertification and invalidity of waivers occurs as a matter of
25 law. Failure of a convicted person to report to the Board his
26 or her conviction as described in this Section or any continued

1 law enforcement practice after receiving a conviction is a
2 Class 4 felony.

3 (f) The Board's investigators are peace officers and have
4 all the powers possessed by policemen in cities and by
5 sheriff's, provided that the investigators may exercise those
6 powers anywhere in the State, only after contact and
7 cooperation with the appropriate local law enforcement
8 authorities.

9 (g) The Board must request and receive information and
10 assistance from any federal, state, or local governmental
11 agency as part of the authorized criminal background
12 investigation. The Department of State Police must process,
13 retain, and additionally provide and disseminate information
14 to the Board concerning criminal charges, arrests,
15 convictions, and their disposition, that have been filed
16 before, on, or after the effective date of this amendatory Act
17 of the 91st General Assembly against a basic academy applicant,
18 law enforcement applicant, or law enforcement officer whose
19 fingerprint identification cards are on file or maintained by
20 the Department of State Police. The Federal Bureau of
21 Investigation must provide the Board any criminal history
22 record information contained in its files pertaining to law
23 enforcement officers or any applicant to a Board certified
24 basic law enforcement academy as described in this Act based on
25 fingerprint identification. The Board must make payment of fees
26 to the Department of State Police for each fingerprint card

1 submission in conformance with the requirements of paragraph 22
2 of Section 55a of the Civil Administrative Code of Illinois.

3 (h) A police officer who has been certified or granted a
4 valid waiver shall also be decertified or have his or her
5 waiver revoked upon a determination by the Illinois Labor
6 Relations Board State Panel that he or she, while under oath,
7 has knowingly and willfully made false statements as to a
8 material fact going to an element of the offense of murder. If
9 an appeal is filed, the determination shall be stayed.

10 (1) In the case of an acquittal on a charge of murder,
11 a verified complaint may be filed:

12 (A) by the defendant; or

13 (B) by a police officer with personal knowledge of
14 perjured testimony.

15 The complaint must allege that a police officer, while
16 under oath, knowingly and willfully made false statements
17 as to a material fact going to an element of the offense of
18 murder. The verified complaint must be filed with the
19 Executive Director of the Illinois Law Enforcement
20 Training Standards Board within 2 years of the judgment of
21 acquittal.

22 (2) Within 30 days, the Executive Director of the
23 Illinois Law Enforcement Training Standards Board shall
24 review the verified complaint and determine whether the
25 verified complaint is frivolous and without merit, or
26 whether further investigation is warranted. The Illinois

1 Law Enforcement Training Standards Board shall notify the
2 officer and the Executive Director of the Illinois Labor
3 Relations Board State Panel of the filing of the complaint
4 and any action taken thereon. If the Executive Director of
5 the Illinois Law Enforcement Training Standards Board
6 determines that the verified complaint is frivolous and
7 without merit, it shall be dismissed. The Executive
8 Director of the Illinois Law Enforcement Training
9 Standards Board has sole discretion to make this
10 determination and this decision is not subject to appeal.

11 (i) If the Executive Director of the Illinois Law
12 Enforcement Training Standards Board determines that the
13 verified complaint warrants further investigation, he or she
14 shall refer the matter to a task force of investigators created
15 for this purpose. This task force shall consist of 8 sworn
16 police officers: 2 from the Illinois State Police, 2 from the
17 City of Chicago Police Department, 2 from county police
18 departments, and 2 from municipal police departments. These
19 investigators shall have a minimum of 5 years of experience in
20 conducting criminal investigations. The investigators shall be
21 appointed by the Executive Director of the Illinois Law
22 Enforcement Training Standards Board. Any officer or officers
23 acting in this capacity pursuant to this statutory provision
24 will have statewide police authority while acting in this
25 investigative capacity. Their salaries and expenses for the
26 time spent conducting investigations under this paragraph

1 shall be reimbursed by the Illinois Law Enforcement Training
2 Standards Board.

3 (j) Once the Executive Director of the Illinois Law
4 Enforcement Training Standards Board has determined that an
5 investigation is warranted, the verified complaint shall be
6 assigned to an investigator or investigators. The investigator
7 or investigators shall conduct an investigation of the verified
8 complaint and shall write a report of his or her findings. This
9 report shall be submitted to the Executive Director of the
10 Illinois Labor Relations Board State Panel.

11 Within 30 days, the Executive Director of the Illinois
12 Labor Relations Board State Panel shall review the
13 investigative report and determine whether sufficient evidence
14 exists to conduct an evidentiary hearing on the verified
15 complaint. If the Executive Director of the Illinois Labor
16 Relations Board State Panel determines upon his or her review
17 of the investigatory report that a hearing should not be
18 conducted, the complaint shall be dismissed. This decision is
19 in the Executive Director's sole discretion, and this dismissal
20 may not be appealed.

21 If the Executive Director of the Illinois Labor Relations
22 Board State Panel determines that there is sufficient evidence
23 to warrant a hearing, a hearing shall be ordered on the
24 verified complaint, to be conducted by an administrative law
25 judge employed by the Illinois Labor Relations Board State
26 Panel. The Executive Director of the Illinois Labor Relations

1 Board State Panel shall inform the Executive Director of the
2 Illinois Law Enforcement Training Standards Board and the
3 person who filed the complaint of either the dismissal of the
4 complaint or the issuance of the complaint for hearing. The
5 Executive Director shall assign the complaint to the
6 administrative law judge within 30 days of the decision
7 granting a hearing.

8 (k) In the case of a finding of guilt on the offense of
9 murder, if a new trial is granted on direct appeal, or a state
10 post-conviction evidentiary hearing is ordered, based on a
11 claim that a police officer, under oath, knowingly and
12 willfully made false statements as to a material fact going to
13 an element of the offense of murder, the Illinois Labor
14 Relations Board State Panel shall hold a hearing to determine
15 whether the officer should be decertified if an interested
16 party requests such a hearing within 2 years of the court's
17 decision. The complaint shall be assigned to an administrative
18 law judge within 30 days so that a hearing can be scheduled.

19 At the hearing, the accused officer shall be afforded the
20 opportunity to:

21 (1) Be represented by counsel of his or her own
22 choosing;

23 (2) Be heard in his or her own defense;

24 (3) Produce evidence in his or her defense;

25 (4) Request that the Illinois Labor Relations Board
26 State Panel compel the attendance of witnesses and

1 production of related documents including but not limited
2 to court documents and records.

3 Once a case has been set for hearing, the verified
4 complaint shall be referred to the Department of Professional
5 Regulation. That office shall prosecute the verified complaint
6 at the hearing before the administrative law judge. The
7 Department of Professional Regulation shall have the
8 opportunity to produce evidence to support the verified
9 complaint and to request the Illinois Labor Relations Board
10 State Panel to compel the attendance of witnesses and the
11 production of related documents, including, but not limited to,
12 court documents and records. The Illinois Labor Relations Board
13 State Panel shall have the power to issue subpoenas requiring
14 the attendance of and testimony of witnesses and the production
15 of related documents including, but not limited to, court
16 documents and records and shall have the power to administer
17 oaths.

18 The administrative law judge shall have the responsibility
19 of receiving into evidence relevant testimony and documents,
20 including court records, to support or disprove the allegations
21 made by the person filing the verified complaint and, at the
22 close of the case, hear arguments. If the administrative law
23 judge finds that there is not clear and convincing evidence to
24 support the verified complaint that the police officer has,
25 while under oath, knowingly and willfully made false statements
26 as to a material fact going to an element of the offense of

1 murder, the administrative law judge shall make a written
2 recommendation of dismissal to the Illinois Labor Relations
3 Board State Panel. If the administrative law judge finds that
4 there is clear and convincing evidence that the police officer
5 has, while under oath, knowingly and willfully made false
6 statements as to a material fact that goes to an element of the
7 offense of murder, the administrative law judge shall make a
8 written recommendation so concluding to the Illinois Labor
9 Relations Board State Panel. The hearings shall be transcribed.
10 The Executive Director of the Illinois Law Enforcement Training
11 Standards Board shall be informed of the administrative law
12 judge's recommended findings and decision and the Illinois
13 Labor Relations Board State Panel's subsequent review of the
14 recommendation.

15 (l) An officer named in any complaint filed pursuant to
16 this Act shall be indemnified for his or her reasonable
17 attorney's fees and costs by his or her employer. These fees
18 shall be paid in a regular and timely manner. The State, upon
19 application by the public employer, shall reimburse the public
20 employer for the accused officer's reasonable attorney's fees
21 and costs. At no time and under no circumstances will the
22 accused officer be required to pay his or her own reasonable
23 attorney's fees or costs.

24 (m) The accused officer shall not be placed on unpaid
25 status because of the filing or processing of the verified
26 complaint until there is a final non-appealable order

1 sustaining his or her guilt and his or her certification is
2 revoked. Nothing in this Act, however, restricts the public
3 employer from pursuing discipline against the officer in the
4 normal course and under procedures then in place.

5 (n) The Illinois Labor Relations Board State Panel shall
6 review the administrative law judge's recommended decision and
7 order and determine by a majority vote whether or not there was
8 clear and convincing evidence that the accused officer, while
9 under oath, knowingly and willfully made false statements as to
10 a material fact going to the offense of murder. Within 30 days
11 of service of the administrative law judge's recommended
12 decision and order, the parties may file exceptions to the
13 recommended decision and order and briefs in support of their
14 exceptions with the Illinois Labor Relations Board State Panel.
15 The parties may file responses to the exceptions and briefs in
16 support of the responses no later than 15 days after the
17 service of the exceptions. If exceptions are filed by any of
18 the parties, the Illinois Labor Relations Board State Panel
19 shall review the matter and make a finding to uphold, vacate,
20 or modify the recommended decision and order. If the Illinois
21 Labor Relations Board State Panel concludes that there is clear
22 and convincing evidence that the accused officer, while under
23 oath, knowingly and willfully made false statements as to a
24 material fact going to an element of the offense murder, the
25 Illinois Labor Relations Board State Panel shall inform the
26 Illinois Law Enforcement Training Standards Board and the

1 Illinois Law Enforcement Training Standards Board shall revoke
2 the accused officer's certification. If the accused officer
3 appeals that determination to the Appellate Court, as provided
4 by this Act, he or she may petition the Appellate Court to stay
5 the revocation of his or her certification pending the court's
6 review of the matter.

7 (o) None of the Illinois Labor Relations Board State
8 Panel's findings or determinations shall set any precedent in
9 any of its decisions decided pursuant to the Illinois Public
10 Labor Relations Act by the Illinois Labor Relations Board State
11 Panel or the courts.

12 (p) A party aggrieved by the final order of the Illinois
13 Labor Relations Board State Panel may apply for and obtain
14 judicial review of an order of the Illinois Labor Relations
15 Board State Panel, in accordance with the provisions of the
16 Administrative Review Law, except that such judicial review
17 shall be afforded directly in the Appellate Court for the
18 district in which the accused officer resides. Any direct
19 appeal to the Appellate Court shall be filed within 35 days
20 from the date that a copy of the decision sought to be reviewed
21 was served upon the party affected by the decision.

22 (q) Interested parties. Only interested parties to the
23 criminal prosecution in which the police officer allegedly,
24 while under oath, knowingly and willfully made false statements
25 as to a material fact going to an element of the offense of
26 murder may file a verified complaint pursuant to this Section.

1 For purposes of this Section, "interested parties" shall be
2 limited to the defendant and any police officer who has
3 personal knowledge that the police officer who is the subject
4 of the complaint has, while under oath, knowingly and willfully
5 made false statements as to a material fact going to an element
6 of the offense of murder.

7 (r) Semi-annual reports. The Executive Director of the
8 Illinois Labor Relations Board shall submit semi-annual
9 reports to the Governor, President, and Minority Leader of the
10 Senate, and to the Speaker and Minority Leader of the House of
11 Representatives beginning on June 30, 2004, indicating:

12 (1) the number of verified complaints received since
13 the date of the last report;

14 (2) the number of investigations initiated since the
15 date of the last report;

16 (3) the number of investigations concluded since the
17 date of the last report;

18 (4) the number of investigations pending as of the
19 reporting date;

20 (5) the number of hearings held since the date of the
21 last report; and

22 (6) the number of officers decertified since the date
23 of the last report.

24 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

25 Section 940. The Illinois Municipal Code is amended by

1 changing Sections 10-1-7 and 10-2.1-6 as follows:

2 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

3 Sec. 10-1-7. Examination of applicants; disqualifications.

4 (a) All applicants for offices or places in the classified
5 service, except those mentioned in Section 10-1-17, are subject
6 to examination. The examination shall be public, competitive,
7 and open to all citizens of the United States, with specified
8 limitations as to residence, age, health, habits and moral
9 character.

10 (b) Residency requirements in effect at the time an
11 individual enters the fire or police service of a municipality
12 (other than a municipality that has more than 1,000,000
13 inhabitants) cannot be made more restrictive for that
14 individual during his or her period of service for that
15 municipality, or be made a condition of promotion, except for
16 the rank or position of Fire or Police Chief.

17 (c) No person with a record of misdemeanor convictions
18 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
19 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
20 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
21 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
22 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
23 of Section 24-1 of the Criminal Code of 1961 or arrested for
24 any cause but not convicted on that cause shall be disqualified
25 from taking the examination on grounds of habits or moral

1 character, unless the person is attempting to qualify for a
2 position on the police department, in which case the conviction
3 or arrest may be considered as a factor in determining the
4 person's habits or moral character.

5 (d) Persons entitled to military preference under Section
6 10-1-16 shall not be subject to limitations specifying age
7 unless they are applicants for a position as a fireman or a
8 policeman having no previous employment status as a fireman or
9 policeman in the regularly constituted fire or police
10 department of the municipality, in which case they must not
11 have attained their 35th birthday, except any person who has
12 served as an auxiliary police officer under Section 3.1-30-20
13 for at least 5 years and is under 40 years of age.

14 (e) All employees of a municipality of less than 500,000
15 population (except those who would be excluded from the
16 classified service as provided in this Division 1) who are
17 holding that employment as of the date a municipality adopts
18 this Division 1, or as of July 17, 1959, whichever date is the
19 later, and who have held that employment for at least 2 years
20 immediately before that later date, and all firemen and
21 policemen regardless of length of service who were either
22 appointed to their respective positions by the board of fire
23 and police commissioners under the provisions of Division 2 of
24 this Article or who are serving in a position (except as a
25 temporary employee) in the fire or police department in the
26 municipality on the date a municipality adopts this Division 1,

1 or as of July 17, 1959, whichever date is the later, shall
2 become members of the classified civil service of the
3 municipality without examination.

4 (f) The examinations shall be practical in their character,
5 and shall relate to those matters that will fairly test the
6 relative capacity of the persons examined to discharge the
7 duties of the positions to which they seek to be appointed. The
8 examinations shall include tests of physical qualifications,
9 health, and (when appropriate) manual skill. If an applicant is
10 unable to pass the physical examination solely as the result of
11 an injury received by the applicant as the result of the
12 performance of an act of duty while working as a temporary
13 employee in the position for which he or she is being examined,
14 however, the physical examination shall be waived and the
15 applicant shall be considered to have passed the examination.
16 No questions in any examination shall relate to political or
17 religious opinions or affiliations. Results of examinations
18 and the eligible registers prepared from the results shall be
19 published by the commission within 60 days after any
20 examinations are held.

21 (g) The commission shall control all examinations, and may,
22 whenever an examination is to take place, designate a suitable
23 number of persons, either in or not in the official service of
24 the municipality, to be examiners. The examiners shall conduct
25 the examinations as directed by the commission and shall make a
26 return or report of the examinations to the commission. If the

1 appointed examiners are in the official service of the
2 municipality, the examiners shall not receive extra
3 compensation for conducting the examinations. The commission
4 may at any time substitute any other person, whether or not in
5 the service of the municipality, in the place of any one
6 selected as an examiner. The commission members may themselves
7 at any time act as examiners without appointing examiners. The
8 examiners at any examination shall not all be members of the
9 same political party.

10 (h) In municipalities of 500,000 or more population, no
11 person who has attained his or her 35th birthday shall be
12 eligible to take an examination for a position as a fireman or
13 a policeman unless the person has had previous employment
14 status as a policeman or fireman in the regularly constituted
15 police or fire department of the municipality, except as
16 provided in this Section.

17 (i) In municipalities of more than 5,000 but not more than
18 200,000 inhabitants, no person who has attained his or her 35th
19 birthday shall be eligible to take an examination for a
20 position as a fireman or a policeman unless the person has had
21 previous employment status as a policeman or fireman in the
22 regularly constituted police or fire department of the
23 municipality, except as provided in this Section.

24 (j) In all municipalities, applicants who are 20 years of
25 age and who have successfully completed 2 years of law
26 enforcement studies at an accredited college or university may

1 be considered for appointment to active duty with the police
2 department. An applicant described in this subsection (j) who
3 is appointed to active duty shall not have power of arrest, nor
4 shall the applicant be permitted to carry firearms, until he or
5 she reaches 21 years of age.

6 (k) In municipalities of more than 500,000 population,
7 applications for examination for and appointment to positions
8 as firefighters or police shall be made available at various
9 branches of the public library of the municipality.

10 (l) No municipality having a population less than 1,000,000
11 shall require that any fireman appointed to the lowest rank
12 serve a probationary employment period of longer than one year.
13 The limitation on periods of probationary employment provided
14 in this amendatory Act of 1989 is an exclusive power and
15 function of the State. Pursuant to subsection (h) of Section 6
16 of Article VII of the Illinois Constitution, a home rule
17 municipality having a population less than 1,000,000 must
18 comply with this limitation on periods of probationary
19 employment, which is a denial and limitation of home rule
20 powers. Notwithstanding anything to the contrary in this
21 Section, the probationary employment period limitation may be
22 extended for a firefighter who is required, as a condition of
23 employment, to be a certified paramedic, during which time the
24 sole reason that a firefighter may be discharged without a
25 hearing is for failing to meet the requirements for paramedic
26 certification.

1 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

2 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

3 Sec. 10-2.1-6. Examination of applicants;
4 disqualifications.

5 (a) All applicants for a position in either the fire or
6 police department of the municipality shall be under 35 years
7 of age, shall be subject to an examination that shall be
8 public, competitive, and open to all applicants (unless the
9 council or board of trustees by ordinance limit applicants to
10 electors of the municipality, county, state or nation) and
11 shall be subject to reasonable limitations as to residence,
12 health, habits, and moral character. The municipality may not
13 charge or collect any fee from an applicant who has met all
14 prequalification standards established by the municipality for
15 any such position. With respect to a police department, a
16 veteran shall be allowed to exceed the maximum age provision of
17 this Section by the number of years served on active military
18 duty, but by no more than 10 years of active military duty.

19 (b) Residency requirements in effect at the time an
20 individual enters the fire or police service of a municipality
21 (other than a municipality that has more than 1,000,000
22 inhabitants) cannot be made more restrictive for that
23 individual during his period of service for that municipality,
24 or be made a condition of promotion, except for the rank or
25 position of Fire or Police Chief.

1 (c) No person with a record of misdemeanor convictions
2 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
3 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
4 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
5 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and
6 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)
7 of Section 24-1 of the Criminal Code of 1961 or arrested for
8 any cause but not convicted on that cause shall be disqualified
9 from taking the examination to qualify for a position in the
10 fire department on grounds of habits or moral character.

11 (d) The age limitation in subsection (a) does not apply (i)
12 to any person previously employed as a policeman or fireman in
13 a regularly constituted police or fire department of (I) any
14 municipality, regardless of whether the municipality is
15 located in Illinois or in another state, or (II) a fire
16 protection district whose obligations were assumed by a
17 municipality under Section 21 of the Fire Protection District
18 Act, (ii) to any person who has served a municipality as a
19 regularly enrolled volunteer fireman for 5 years immediately
20 preceding the time that municipality begins to use full time
21 firemen to provide all or part of its fire protection service,
22 or (iii) to any person who has served as an auxiliary police
23 officer under Section 3.1-30-20 for at least 5 years and is
24 under 40 years of age, (iv) to any person who has served as a
25 deputy under Section 3-6008 of the Counties Code and otherwise
26 meets necessary training requirements, or (v) to any person who

1 has served as a sworn officer as a member of the Illinois
2 Department of State Police.

3 (e) Applicants who are 20 years of age and who have
4 successfully completed 2 years of law enforcement studies at an
5 accredited college or university may be considered for
6 appointment to active duty with the police department. An
7 applicant described in this subsection (e) who is appointed to
8 active duty shall not have power of arrest, nor shall the
9 applicant be permitted to carry firearms, until he or she
10 reaches 21 years of age.

11 (f) Applicants who are 18 years of age and who have
12 successfully completed 2 years of study in fire techniques,
13 amounting to a total of 4 high school credits, within the cadet
14 program of a municipality may be considered for appointment to
15 active duty with the fire department of any municipality.

16 (g) The council or board of trustees may by ordinance
17 provide that persons residing outside the municipality are
18 eligible to take the examination.

19 (h) The examinations shall be practical in character and
20 relate to those matters that will fairly test the capacity of
21 the persons examined to discharge the duties of the positions
22 to which they seek appointment. No person shall be appointed to
23 the police or fire department if he or she does not possess a
24 high school diploma or an equivalent high school education. A
25 board of fire and police commissioners may, by its rules,
26 require police applicants to have obtained an associate's

1 degree or a bachelor's degree as a prerequisite for employment.

2 The examinations shall include tests of physical
3 qualifications and health. A board of fire and police
4 commissioners may, by its rules, waive portions of the required
5 examination for police applicants who have previously been
6 full-time sworn officers of a regular police department in any
7 municipal, county, university, or State law enforcement
8 agency, provided they are certified by the Illinois Law
9 Enforcement Training Standards Board and have been with their
10 respective law enforcement agency within the State for at least
11 2 years. No person shall be appointed to the police or fire
12 department if he or she has suffered the amputation of any limb
13 unless the applicant's duties will be only clerical or as a
14 radio operator. No applicant shall be examined concerning his
15 or her political or religious opinions or affiliations. The
16 examinations shall be conducted by the board of fire and police
17 commissioners of the municipality as provided in this Division
18 2.1.

19 (i) No person who is classified by his local selective
20 service draft board as a conscientious objector, or who has
21 ever been so classified, may be appointed to the police
22 department.

23 (j) No person shall be appointed to the police or fire
24 department unless he or she is a person of good character and
25 not an habitual drunkard, gambler, or a person who has been
26 convicted of a felony or a crime involving moral turpitude. No

1 person, however, shall be disqualified from appointment to the
2 fire department because of his or her record of misdemeanor
3 convictions except those under Sections 11-1.50, 11-6, 11-7,
4 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
5 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
6 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
7 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
8 subsections (1), (6) and (8) of Section 24-1 of the Criminal
9 Code of 1961 or arrest for any cause without conviction on that
10 cause. Any such person who is in the department may be removed
11 on charges brought and after a trial as provided in this
12 Division 2.1.

13 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,
14 eff. 8-14-09.)

15 Section 945. The Fire Protection District Act is amended by
16 changing Section 16.06 as follows:

17 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

18 Sec. 16.06. Eligibility for positions in fire department;
19 disqualifications.

20 (a) All applicants for a position in the fire department of
21 the fire protection district shall be under 35 years of age and
22 shall be subjected to examination, which shall be public,
23 competitive, and free to all applicants, subject to reasonable
24 limitations as to health, habits, and moral character; provided

1 that the foregoing age limitation shall not apply in the case
2 of any person having previous employment status as a fireman in
3 a regularly constituted fire department of any fire protection
4 district, and further provided that each fireman or fire chief
5 who is a member in good standing in a regularly constituted
6 fire department of any municipality which shall be or shall
7 have subsequently been included within the boundaries of any
8 fire protection district now or hereafter organized shall be
9 given a preference for original appointment in the same class,
10 grade or employment over all other applicants. The examinations
11 shall be practical in their character and shall relate to those
12 matters which will fairly test the persons examined as to their
13 relative capacity to discharge the duties of the positions to
14 which they seek appointment. The examinations shall include
15 tests of physical qualifications and health. No applicant,
16 however, shall be examined concerning his political or
17 religious opinions or affiliations. The examinations shall be
18 conducted by the board of fire commissioners.

19 In any fire protection district that employs full-time
20 firefighters and is subject to a collective bargaining
21 agreement, a person who has not qualified for regular
22 appointment under the provisions of this Section shall not be
23 used as a temporary or permanent substitute for certificated
24 members of a fire district's fire department or for regular
25 appointment as a certificated member of a fire district's fire
26 department unless mutually agreed to by the employee's

1 certified bargaining agent. Such agreement shall be considered
2 a permissive subject of bargaining. Fire protection districts
3 covered by the changes made by this amendatory Act of the 95th
4 General Assembly that are using non-certificated employees as
5 substitutes immediately prior to the effective date of this
6 amendatory Act of the 95th General Assembly may, by mutual
7 agreement with the certified bargaining agent, continue the
8 existing practice or a modified practice and that agreement
9 shall be considered a permissive subject of bargaining.

10 (b) No person shall be appointed to the fire department
11 unless he or she is a person of good character and not a person
12 who has been convicted of a felony in Illinois or convicted in
13 another jurisdiction for conduct that would be a felony under
14 Illinois law, or convicted of a crime involving moral
15 turpitude. No person, however, shall be disqualified from
16 appointment to the fire department because of his or her record
17 of misdemeanor convictions, except those under Sections
18 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,
19 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,
20 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,
21 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section
22 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of
23 the Criminal Code of 1961.

24 (Source: P.A. 95-490, eff. 6-1-08.)

25 Section 950. The Park District Code is amended by changing

1 Section 8-23 as follows:

2 (70 ILCS 1205/8-23)

3 Sec. 8-23. Criminal background investigations.

4 (a) An applicant for employment with a park district is
5 required as a condition of employment to authorize an
6 investigation to determine if the applicant has been convicted
7 of any of the enumerated criminal or drug offenses in
8 subsection (c) of this Section or has been convicted, within 7
9 years of the application for employment with the park district,
10 of any other felony under the laws of this State or of any
11 offense committed or attempted in any other state or against
12 the laws of the United States that, if committed or attempted
13 in this State, would have been punishable as a felony under the
14 laws of this State. Authorization for the investigation shall
15 be furnished by the applicant to the park district. Upon
16 receipt of this authorization, the park district shall submit
17 the applicant's name, sex, race, date of birth, and social
18 security number to the Department of State Police on forms
19 prescribed by the Department of State Police. The Department of
20 State Police shall conduct a search of the Illinois criminal
21 history records database to ascertain if the applicant being
22 considered for employment has been convicted of committing or
23 attempting to commit any of the enumerated criminal or drug
24 offenses in subsection (c) of this Section or has been
25 convicted of committing or attempting to commit, within 7 years

1 of the application for employment with the park district, any
2 other felony under the laws of this State. The Department of
3 State Police shall charge the park district a fee for
4 conducting the investigation, which fee shall be deposited in
5 the State Police Services Fund and shall not exceed the cost of
6 the inquiry. The applicant shall not be charged a fee by the
7 park district for the investigation.

8 (b) If the search of the Illinois criminal history record
9 database indicates that the applicant has been convicted of
10 committing or attempting to commit any of the enumerated
11 criminal or drug offenses in subsection (c) or has been
12 convicted of committing or attempting to commit, within 7 years
13 of the application for employment with the park district, any
14 other felony under the laws of this State, the Department of
15 State Police and the Federal Bureau of Investigation shall
16 furnish, pursuant to a fingerprint based background check,
17 records of convictions, until expunged, to the president of the
18 park district. Any information concerning the record of
19 convictions obtained by the president shall be confidential and
20 may only be transmitted to those persons who are necessary to
21 the decision on whether to hire the applicant for employment. A
22 copy of the record of convictions obtained from the Department
23 of State Police shall be provided to the applicant for
24 employment. Any person who releases any confidential
25 information concerning any criminal convictions of an
26 applicant for employment shall be guilty of a Class A

1 misdemeanor, unless the release of such information is
2 authorized by this Section.

3 (c) No park district shall knowingly employ a person who
4 has been convicted for committing attempted first degree murder
5 or for committing or attempting to commit first degree murder,
6 a Class X felony, or any one or more of the following offenses:

7 (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40,
8 11-1.50, 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15,
9 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
10 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 12-13, 12-14,
11 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
12 those defined in the Cannabis Control Act, except those defined
13 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those
14 defined in the Illinois Controlled Substances Act; (iv) those
15 defined in the Methamphetamine Control and Community
16 Protection Act; and (v) any offense committed or attempted in
17 any other state or against the laws of the United States,
18 which, if committed or attempted in this State, would have been
19 punishable as one or more of the foregoing offenses. Further,
20 no park district shall knowingly employ a person who has been
21 found to be the perpetrator of sexual or physical abuse of any
22 minor under 18 years of age pursuant to proceedings under
23 Article II of the Juvenile Court Act of 1987. No park district
24 shall knowingly employ a person for whom a criminal background
25 investigation has not been initiated.

26 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

1 Section 955. The Chicago Park District Act is amended by
2 changing Section 16a-5 as follows:

3 (70 ILCS 1505/16a-5)

4 Sec. 16a-5. Criminal background investigations.

5 (a) An applicant for employment with the Chicago Park
6 District is required as a condition of employment to authorize
7 an investigation to determine if the applicant has been
8 convicted of any of the enumerated criminal or drug offenses in
9 subsection (c) of this Section or has been convicted, within 7
10 years of the application for employment with the Chicago Park
11 District, of any other felony under the laws of this State or
12 of any offense committed or attempted in any other state or
13 against the laws of the United States that, if committed or
14 attempted in this State, would have been punishable as a felony
15 under the laws of this State. Authorization for the
16 investigation shall be furnished by the applicant to the
17 Chicago Park District. Upon receipt of this authorization, the
18 Chicago Park District shall submit the applicant's name, sex,
19 race, date of birth, and social security number to the
20 Department of State Police on forms prescribed by the
21 Department of State Police. The Department of State Police
22 shall conduct a search of the Illinois criminal history record
23 information database to ascertain if the applicant being
24 considered for employment has been convicted of committing or

1 attempting to commit any of the enumerated criminal or drug
2 offenses in subsection (c) of this Section or has been
3 convicted, of committing or attempting to commit within 7 years
4 of the application for employment with the Chicago Park
5 District, any other felony under the laws of this State. The
6 Department of State Police shall charge the Chicago Park
7 District a fee for conducting the investigation, which fee
8 shall be deposited in the State Police Services Fund and shall
9 not exceed the cost of the inquiry. The applicant shall not be
10 charged a fee by the Chicago Park District for the
11 investigation.

12 (b) If the search of the Illinois criminal history record
13 database indicates that the applicant has been convicted of
14 committing or attempting to commit any of the enumerated
15 criminal or drug offenses in subsection (c) or has been
16 convicted of committing or attempting to commit, within 7 years
17 of the application for employment with the Chicago Park
18 District, any other felony under the laws of this State, the
19 Department of State Police and the Federal Bureau of
20 Investigation shall furnish, pursuant to a fingerprint based
21 background check, records of convictions, until expunged, to
22 the General Superintendent and Chief Executive Officer of the
23 Chicago Park District. Any information concerning the record of
24 convictions obtained by the General Superintendent and Chief
25 Executive Officer shall be confidential and may only be
26 transmitted to those persons who are necessary to the decision

1 on whether to hire the applicant for employment. A copy of the
2 record of convictions obtained from the Department of State
3 Police shall be provided to the applicant for employment. Any
4 person who releases any confidential information concerning
5 any criminal convictions of an applicant for employment shall
6 be guilty of a Class A misdemeanor, unless the release of such
7 information is authorized by this Section.

8 (c) The Chicago Park District may not knowingly employ a
9 person who has been convicted for committing attempted first
10 degree murder or for committing or attempting to commit first
11 degree murder, a Class X felony, or any one or more of the
12 following offenses: (i) those defined in Sections 11-1.20,
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14,
14 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
15 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21,
16 11-30, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal
17 Code of 1961; (ii) those defined in the Cannabis Control Act,
18 except those defined in Sections 4(a), 4(b), and 5(a) of that
19 Act; (iii) those defined in the Illinois Controlled Substances
20 Act; (iv) those defined in the Methamphetamine Control and
21 Community Protection Act; and (v) any offense committed or
22 attempted in any other state or against the laws of the United
23 States, which, if committed or attempted in this State, would
24 have been punishable as one or more of the foregoing offenses.
25 Further, the Chicago Park District may not knowingly employ a
26 person who has been found to be the perpetrator of sexual or

1 physical abuse of any minor under 18 years of age pursuant to
2 proceedings under Article II of the Juvenile Court Act of 1987.
3 The Chicago Park District may not knowingly employ a person for
4 whom a criminal background investigation has not been
5 initiated.

6 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

7 Section 960. The Metropolitan Transit Authority Act is
8 amended by changing Section 28b as follows:

9 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

10 Sec. 28b. Any person applying for a position as a driver of
11 a vehicle owned by a private carrier company which provides
12 public transportation pursuant to an agreement with the
13 Authority shall be required to authorize an investigation by
14 the private carrier company to determine if the applicant has
15 been convicted of any of the following offenses: (i) those
16 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
17 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
18 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
19 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
20 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
21 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
22 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and
23 33A-2, and in subsection (a) and subsection (b), clause (1), of
24 Section 12-4 of the Criminal Code of 1961; (ii) those offenses

1 defined in the Cannabis Control Act except those offenses
2 defined in subsections (a) and (b) of Section 4, and subsection
3 (a) of Section 5 of the Cannabis Control Act (iii) those
4 offenses defined in the Illinois Controlled Substances Act;
5 (iv) those offenses defined in the Methamphetamine Control and
6 Community Protection Act; and (v) any offense committed or
7 attempted in any other state or against the laws of the United
8 States, which if committed or attempted in this State would be
9 punishable as one or more of the foregoing offenses. Upon
10 receipt of this authorization, the private carrier company
11 shall submit the applicant's name, sex, race, date of birth,
12 fingerprints and social security number to the Department of
13 State Police on forms prescribed by the Department. The
14 Department of State Police shall conduct an investigation to
15 ascertain if the applicant has been convicted of any of the
16 above enumerated offenses. The Department shall charge the
17 private carrier company a fee for conducting the investigation,
18 which fee shall be deposited in the State Police Services Fund
19 and shall not exceed the cost of the inquiry; and the applicant
20 shall not be charged a fee for such investigation by the
21 private carrier company. The Department of State Police shall
22 furnish, pursuant to positive identification, records of
23 convictions, until expunged, to the private carrier company
24 which requested the investigation. A copy of the record of
25 convictions obtained from the Department shall be provided to
26 the applicant. Any record of conviction received by the private

1 carrier company shall be confidential. Any person who releases
2 any confidential information concerning any criminal
3 convictions of an applicant shall be guilty of a Class A
4 misdemeanor, unless authorized by this Section.

5 (Source: P.A. 94-556, eff. 9-11-05.)

6 Section 965. The School Code is amended by changing
7 Sections 2-3.147, 10-22.39, 21-23a, 34-2.1, and 34-84b as
8 follows:

9 (105 ILCS 5/2-3.147)

10 Sec. 2-3.147. The Ensuring Success in School Task Force.

11 (a) In this Section:

12 "Domestic violence" means abuse by a family or household
13 member, as "abuse" and "family or household members" are
14 defined in Section 103 of the Illinois Domestic Violence Act of
15 1986.

16 "Sexual violence" means sexual assault, abuse, or stalking
17 of an adult or minor child proscribed in the Criminal Code of
18 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
19 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,
20 and 12-16, including sexual violence committed by perpetrators
21 who are strangers to the victim and sexual violence committed
22 by perpetrators who are known or related by blood or marriage
23 to the victim.

24 (b) The State Board of Education shall convene an Ensuring

1 Success in School Task Force to develop policies, procedures,
2 and protocols to be adopted by school districts for addressing
3 the educational and related needs of children and youth who are
4 parents, expectant parents, or victims of domestic or sexual
5 violence to ensure their ability to stay in school, stay safe
6 while in school, and successfully complete their education. The
7 State Board of Education shall be the agency responsible for
8 providing staff and administrative support to the task force.

9 (c) The Ensuring Success in School Task Force shall do all
10 of the following:

11 (1) Conduct a thorough examination of the barriers to
12 school attendance, safety, and completion for children and
13 youth who are parents, expectant parents, or victims of
14 domestic or sexual violence.

15 (2) Conduct a discovery process that includes relevant
16 research and the identification of effective policies,
17 protocols, and programs within this State and elsewhere.

18 (3) Conduct meetings and public hearings in
19 geographically diverse locations throughout the State to
20 ensure the maximum input from area advocates and service
21 providers, from local education agencies, and from
22 children and youth who are parents, expectant parents, or
23 victims of domestic or sexual violence and their parents or
24 guardians.

25 (4) Establish and adhere to procedures and protocols to
26 allow children and youth who are parents, expectant

1 parents, or victims of domestic or sexual violence, their
2 parents or guardians, and advocates who work on behalf of
3 such children and youth to participate in the task force
4 anonymously and confidentially.

5 (5) Invite the testimony of and confer with experts on
6 relevant topics.

7 (6) Produce a report of the task force's findings on
8 best practices and policies, which shall include a plan
9 with a phased and prioritized implementation timetable
10 with focus on ensuring the successful and safe completion
11 of school for children and youth who are parents, expectant
12 parents, or victims of domestic or sexual violence. The
13 task force shall submit a report to the General Assembly on
14 or before December 1, 2009 on its findings,
15 recommendations, and implementation plan. Any task force
16 reports shall be published on the State Board of
17 Education's Internet website on the date the report is
18 delivered to the General Assembly.

19 (7) Recommend new legislation or proposed rules
20 developed by the task force.

21 (d) The President of the Senate and the Speaker of the
22 House of Representatives shall each appoint one co-chairperson
23 of the Ensuring Success in School Task Force. In addition to
24 the 2 co-chairpersons, the task force shall be comprised of
25 each of the following members, appointed by the State Board of
26 Education, and shall be representative of the geographic,

1 racial, ethnic, and cultural diversity of this State:

2 (1) A representative of a statewide nonprofit,
3 nongovernmental domestic violence organization.

4 (2) A domestic violence victims' advocate or service
5 provider from a different nonprofit, nongovernmental
6 domestic violence organization.

7 (3) A representative of a statewide nonprofit,
8 nongovernmental sexual assault organization.

9 (4) A sexual assault victims' advocate or service
10 provider from a different nonprofit, nongovernmental
11 sexual assault organization.

12 (5) A teen parent advocate or service provider from a
13 nonprofit, nongovernmental organization.

14 (6) A school social worker.

15 (7) A school psychologist.

16 (8) A school counselor.

17 (9) A representative of a statewide professional
18 teachers' organization.

19 (10) A representative of a different statewide
20 professional teachers' organization.

21 (11) A representative of a statewide organization that
22 represents school boards.

23 (12) A representative of a statewide organization
24 representing principals.

25 (13) A representative of City of Chicago School
26 District 299.

1 (14) A representative of a nonprofit, nongovernmental
2 youth services provider.

3 (15) A representative of a statewide nonprofit,
4 nongovernmental multi-issue advocacy organization with
5 expertise in a cross-section of relevant issues.

6 (16) An alternative education service provider.

7 (17) A representative from a regional office of
8 education.

9 (18) A truancy intervention services provider.

10 (19) A youth who is a parent or expectant parent
11 directly affected by the issues, problems, and concerns of
12 staying in school and successfully completing his or her
13 education through high school.

14 (20) A youth who is a victim of domestic or sexual
15 violence directly affected by the issues, problems, and
16 concerns of staying in school and successfully completing
17 his or her education.

18 (21) A parent or guardian of a child or youth who is a
19 parent or expectant parent directly affected by the issues,
20 problems, and concerns of staying in school and
21 successfully completing his or her education.

22 (22) A parent or guardian of a child or youth who is a
23 victim of domestic or sexual violence directly affected by
24 the issues, problems, and concerns of staying in school and
25 successfully completing his or her education.

26 The task force shall also consist of one member appointed by

1 the Minority Leader of the Senate, one member appointed by the
2 Minority Leader of the House of Representatives, the State
3 Superintendent of Education, the Secretary of Human Services,
4 the Director of Healthcare and Family Services, the Director of
5 Children and Family Services, and the Director of Public Health
6 or their designees.

7 (e) Members of the Ensuring Success in School Task Force
8 shall receive no compensation for their participation, but may
9 be reimbursed by the State Board of Education for expenses in
10 connection with their participation, including travel, if
11 funds are available. However, members of the task force who are
12 youth who are parents, expectant parents, or victims of
13 domestic or sexual violence and the parents or guardians of
14 such youth shall be reimbursed for their travel expenses
15 connected to their participation in the task force.

16 (Source: P.A. 95-558, eff. 8-30-07; 95-876, eff. 8-21-08;
17 96-364, eff. 8-13-09.)

18 (105 ILCS 5/10-22.39)

19 Sec. 10-22.39. In-service training programs.

20 (a) To conduct in-service training programs for teachers.

21 (b) In addition to other topics at in-service training
22 programs, school guidance counselors, teachers, school social
23 workers, and other school personnel who work with pupils in
24 grades 7 through 12 shall be trained to identify the warning
25 signs of suicidal behavior in adolescents and teens and shall

1 be taught appropriate intervention and referral techniques.

2 (c) School guidance counselors, nurses, teachers and other
3 school personnel who work with pupils may be trained to have a
4 basic knowledge of matters relating to acquired
5 immunodeficiency syndrome (AIDS), including the nature of the
6 disease, its causes and effects, the means of detecting it and
7 preventing its transmission, and the availability of
8 appropriate sources of counseling and referral, and any other
9 information that may be appropriate considering the age and
10 grade level of such pupils. The School Board shall supervise
11 such training. The State Board of Education and the Department
12 of Public Health shall jointly develop standards for such
13 training.

14 (d) In this subsection (d):

15 "Domestic violence" means abuse by a family or household
16 member, as "abuse" and "family or household members" are
17 defined in Section 103 of the Illinois Domestic Violence Act of
18 1986.

19 "Sexual violence" means sexual assault, abuse, or stalking
20 of an adult or minor child proscribed in the Criminal Code of
21 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
22 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,
23 and 12-16, including sexual violence committed by perpetrators
24 who are strangers to the victim and sexual violence committed
25 by perpetrators who are known or related by blood or marriage
26 to the victim.

1 At least once every 2 years, an in-service training program
2 for school personnel who work with pupils, including, but not
3 limited to, school and school district administrators,
4 teachers, school guidance counselors, school social workers,
5 school counselors, school psychologists, and school nurses,
6 must be conducted by persons with expertise in domestic and
7 sexual violence and the needs of expectant and parenting youth
8 and shall include training concerning (i) communicating with
9 and listening to youth victims of domestic or sexual violence
10 and expectant and parenting youth, (ii) connecting youth
11 victims of domestic or sexual violence and expectant and
12 parenting youth to appropriate in-school services and other
13 agencies, programs, and services as needed, and (iii)
14 implementing the school district's policies, procedures, and
15 protocols with regard to such youth, including
16 confidentiality. At a minimum, school personnel must be trained
17 to understand, provide information and referrals, and address
18 issues pertaining to youth who are parents, expectant parents,
19 or victims of domestic or sexual violence.

20 (e) At least every 2 years, an in-service training program
21 for school personnel who work with pupils must be conducted by
22 persons with expertise in anaphylactic reactions and
23 management.

24 (f) At least once every 2 years, a school board shall
25 conduct in-service training on educator ethics,
26 teacher-student conduct, and school employee-student conduct

1 for all personnel.

2 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;
3 96-431, eff. 8-13-09; 96-951, eff. 6-28-10; 96-1000, eff.
4 7-2-10.)

5 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

6 Sec. 21-23a. Conviction of certain offenses as grounds for
7 revocation of certificate.

8 (a) Whenever the holder of any certificate issued pursuant
9 to this Article has been convicted of any sex offense or
10 narcotics offense as defined in this Section, the State
11 Superintendent of Education shall forthwith suspend the
12 certificate. If the conviction is reversed and the holder is
13 acquitted of the offense in a new trial or the charges against
14 him are dismissed, the suspending authority shall forthwith
15 terminate the suspension of the certificate. When the
16 conviction becomes final, the State Superintendent of
17 Education shall forthwith revoke the certificate. "Sex
18 offense" as used in this Section means any one or more of the
19 following offenses: (1) any offense defined in Sections 11-6,
20 ~~and~~ 11-9 through 11-9.5, inclusive, and 11-30, Sections 11-14
21 through 11-21, inclusive, Sections 11-23 (if punished as a
22 Class 3 felony), 11-24, 11-25, and 11-26, and Sections 11-1.20,
23 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
24 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of
25 1961; (2) any attempt to commit any of the foregoing offenses,

1 and (3) any offense committed or attempted in any other state
2 which, if committed or attempted in this State, would have been
3 punishable as one or more of the foregoing offenses. "Narcotics
4 offense" as used in this Section means any one or more of the
5 following offenses: (1) any offense defined in the Cannabis
6 Control Act, except those defined in Sections 4(a), 4(b) and
7 5(a) of that Act and any offense for which the holder of any
8 certificate is placed on probation under the provisions of
9 Section 10 of that Act, provided that if the terms and
10 conditions of probation required by the court are not
11 fulfilled, the offense is not eligible for this exception; (2)
12 any offense defined in the Illinois Controlled Substances Act,
13 except any offense for which the holder of any certificate is
14 placed on probation under the provisions of Section 410 of that
15 Act, provided that if the terms and conditions of probation
16 required by the court are not fulfilled, the offense is not
17 eligible for this exception; (3) any offense defined in the
18 Methamphetamine Control and Community Protection Act, except
19 any offense for which the holder of any certificate is placed
20 on probation under the provision of Section 70 of that Act,
21 provided that if the terms and conditions of probation required
22 by the court are not fulfilled, the offense is not eligible for
23 this exception; (4) any attempt to commit any of the foregoing
24 offenses; and (5) any offense committed or attempted in any
25 other state or against the laws of the United States which, if
26 committed or attempted in this State, would have been

1 punishable as one or more of the foregoing offenses. The
2 changes made by this amendatory Act of the 96th General
3 Assembly to the definition of "narcotics offense" in this
4 subsection (a) are declaratory of existing law.

5 (b) Whenever the holder of a certificate issued pursuant to
6 this Article has been convicted of first degree murder,
7 attempted first degree murder, conspiracy to commit first
8 degree murder, attempted conspiracy to commit first degree
9 murder, or a Class X felony or any offense committed or
10 attempted in any other state or against the laws of the United
11 States that, if committed or attempted in this State, would
12 have been punishable as one or more of the foregoing offenses,
13 the State Superintendent of Education shall forthwith suspend
14 the certificate. If the conviction is reversed and the holder
15 is acquitted of that offense in a new trial or the charges that
16 he or she committed that offense are dismissed, the State
17 Superintendent of Education shall forthwith terminate the
18 suspension of the certificate. When the conviction becomes
19 final, the State Superintendent of Education shall forthwith
20 revoke the certificate.

21 (Source: P.A. 96-431, eff. 8-13-09.)

22 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

23 Sec. 34-2.1. Local School Councils - Composition -
24 Voter-Eligibility - Elections - Terms.

25 (a) A local school council shall be established for each

1 attendance center within the school district. Each local school
2 council shall consist of the following 12 voting members: the
3 principal of the attendance center, 2 teachers employed and
4 assigned to perform the majority of their employment duties at
5 the attendance center, 6 parents of students currently enrolled
6 at the attendance center, one employee of the school district
7 employed and assigned to perform the majority of his or her
8 employment duties at the attendance center who is not a
9 teacher, and 2 community residents. Neither the parents nor the
10 community residents who serve as members of the local school
11 council shall be employees of the Board of Education. In each
12 secondary attendance center, the local school council shall
13 consist of 13 voting members -- the 12 voting members described
14 above and one full-time student member, appointed as provided
15 in subsection (m) below. In the event that the chief executive
16 officer of the Chicago School Reform Board of Trustees
17 determines that a local school council is not carrying out its
18 financial duties effectively, the chief executive officer is
19 authorized to appoint a representative of the business
20 community with experience in finance and management to serve as
21 an advisor to the local school council for the purpose of
22 providing advice and assistance to the local school council on
23 fiscal matters. The advisor shall have access to relevant
24 financial records of the local school council. The advisor may
25 attend executive sessions. The chief executive officer shall
26 issue a written policy defining the circumstances under which a

1 local school council is not carrying out its financial duties
2 effectively.

3 (b) Within 7 days of January 11, 1991, the Mayor shall
4 appoint the members and officers (a Chairperson who shall be a
5 parent member and a Secretary) of each local school council who
6 shall hold their offices until their successors shall be
7 elected and qualified. Members so appointed shall have all the
8 powers and duties of local school councils as set forth in this
9 amendatory Act of 1991. The Mayor's appointments shall not
10 require approval by the City Council.

11 The membership of each local school council shall be
12 encouraged to be reflective of the racial and ethnic
13 composition of the student population of the attendance center
14 served by the local school council.

15 (c) Beginning with the 1995-1996 school year and in every
16 even-numbered year thereafter, the Board shall set second
17 semester Parent Report Card Pick-up Day for Local School
18 Council elections and may schedule elections at year-round
19 schools for the same dates as the remainder of the school
20 system. Elections shall be conducted as provided herein by the
21 Board of Education in consultation with the local school
22 council at each attendance center.

23 (d) Beginning with the 1995-96 school year, the following
24 procedures shall apply to the election of local school council
25 members at each attendance center:

26 (i) The elected members of each local school council

1 shall consist of the 6 parent members and the 2 community
2 resident members.

3 (ii) Each elected member shall be elected by the
4 eligible voters of that attendance center to serve for a
5 two-year term commencing on July 1 immediately following
6 the election described in subsection (c). Eligible voters
7 for each attendance center shall consist of the parents and
8 community residents for that attendance center.

9 (iii) Each eligible voter shall be entitled to cast one
10 vote for up to a total of 5 candidates, irrespective of
11 whether such candidates are parent or community resident
12 candidates.

13 (iv) Each parent voter shall be entitled to vote in the
14 local school council election at each attendance center in
15 which he or she has a child currently enrolled. Each
16 community resident voter shall be entitled to vote in the
17 local school council election at each attendance center for
18 which he or she resides in the applicable attendance area
19 or voting district, as the case may be.

20 (v) Each eligible voter shall be entitled to vote once,
21 but not more than once, in the local school council
22 election at each attendance center at which the voter is
23 eligible to vote.

24 (vi) The 2 teacher members and the non-teacher employee
25 member of each local school council shall be appointed as
26 provided in subsection (1) below each to serve for a

1 two-year term coinciding with that of the elected parent
2 and community resident members.

3 (vii) At secondary attendance centers, the voting
4 student member shall be appointed as provided in subsection
5 (m) below to serve for a one-year term coinciding with the
6 beginning of the terms of the elected parent and community
7 members of the local school council.

8 (e) The Council shall publicize the date and place of the
9 election by posting notices at the attendance center, in public
10 places within the attendance boundaries of the attendance
11 center and by distributing notices to the pupils at the
12 attendance center, and shall utilize such other means as it
13 deems necessary to maximize the involvement of all eligible
14 voters.

15 (f) Nomination. The Council shall publicize the opening of
16 nominations by posting notices at the attendance center, in
17 public places within the attendance boundaries of the
18 attendance center and by distributing notices to the pupils at
19 the attendance center, and shall utilize such other means as it
20 deems necessary to maximize the involvement of all eligible
21 voters. Not less than 2 weeks before the election date, persons
22 eligible to run for the Council shall submit their name, date
23 of birth, social security number, if available, and some
24 evidence of eligibility to the Council. The Council shall
25 encourage nomination of candidates reflecting the
26 racial/ethnic population of the students at the attendance

1 center. Each person nominated who runs as a candidate shall
2 disclose, in a manner determined by the Board, any economic
3 interest held by such person, by such person's spouse or
4 children, or by each business entity in which such person has
5 an ownership interest, in any contract with the Board, any
6 local school council or any public school in the school
7 district. Each person nominated who runs as a candidate shall
8 also disclose, in a manner determined by the Board, if he or
9 she ever has been convicted of any of the offenses specified in
10 subsection (c) of Section 34-18.5; provided that neither this
11 provision nor any other provision of this Section shall be
12 deemed to require the disclosure of any information that is
13 contained in any law enforcement record or juvenile court
14 record that is confidential or whose accessibility or
15 disclosure is restricted or prohibited under Section 5-901 or
16 5-905 of the Juvenile Court Act of 1987. Failure to make such
17 disclosure shall render a person ineligible for election or to
18 serve on the local school council. The same disclosure shall be
19 required of persons under consideration for appointment to the
20 Council pursuant to subsections (l) and (m) of this Section.

21 (f-5) Notwithstanding disclosure, a person who has been
22 convicted of any of the following offenses at any time shall be
23 ineligible for election or appointment to a local school
24 council and ineligible for appointment to a local school
25 council pursuant to subsections (l) and (m) of this Section:
26 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
2 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
3 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
4 Section 11-14.3, of the Criminal Code of 1961 or (ii) any
5 offense committed or attempted in any other state or against
6 the laws of the United States, which, if committed or attempted
7 in this State, would have been punishable as one or more of the
8 foregoing offenses. Notwithstanding disclosure, a person who
9 has been convicted of any of the following offenses within the
10 10 years previous to the date of nomination or appointment
11 shall be ineligible for election or appointment to a local
12 school council: (i) those defined in Section 401.1, 405.1, or
13 405.2 of the Illinois Controlled Substances Act or (ii) any
14 offense committed or attempted in any other state or against
15 the laws of the United States, which, if committed or attempted
16 in this State, would have been punishable as one or more of the
17 foregoing offenses.

18 Immediately upon election or appointment, incoming local
19 school council members shall be required to undergo a criminal
20 background investigation, to be completed prior to the member
21 taking office, in order to identify any criminal convictions
22 under the offenses enumerated in Section 34-18.5. The
23 investigation shall be conducted by the Department of State
24 Police in the same manner as provided for in Section 34-18.5.
25 However, notwithstanding Section 34-18.5, the social security
26 number shall be provided only if available. If it is determined

1 at any time that a local school council member or member-elect
2 has been convicted of any of the offenses enumerated in this
3 Section or failed to disclose a conviction of any of the
4 offenses enumerated in Section 34-18.5, the general
5 superintendent shall notify the local school council member or
6 member-elect of such determination and the local school council
7 member or member-elect shall be removed from the local school
8 council by the Board, subject to a hearing, convened pursuant
9 to Board rule, prior to removal.

10 (g) At least one week before the election date, the Council
11 shall publicize, in the manner provided in subsection (e), the
12 names of persons nominated for election.

13 (h) Voting shall be in person by secret ballot at the
14 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

15 (i) Candidates receiving the highest number of votes shall
16 be declared elected by the Council. In cases of a tie, the
17 Council shall determine the winner by lot.

18 (j) The Council shall certify the results of the election
19 and shall publish the results in the minutes of the Council.

20 (k) The general superintendent shall resolve any disputes
21 concerning election procedure or results and shall ensure that,
22 except as provided in subsections (e) and (g), no resources of
23 any attendance center shall be used to endorse or promote any
24 candidate.

25 (l) Beginning with the 1995-1996 school year and in every
26 even numbered year thereafter, the Board shall appoint 2

1 teacher members to each local school council. These
2 appointments shall be made in the following manner:

3 (i) The Board shall appoint 2 teachers who are employed
4 and assigned to perform the majority of their employment
5 duties at the attendance center to serve on the local
6 school council of the attendance center for a two-year term
7 coinciding with the terms of the elected parent and
8 community members of that local school council. These
9 appointments shall be made from among those teachers who
10 are nominated in accordance with subsection (f).

11 (ii) A non-binding, advisory poll to ascertain the
12 preferences of the school staff regarding appointments of
13 teachers to the local school council for that attendance
14 center shall be conducted in accordance with the procedures
15 used to elect parent and community Council
16 representatives. At such poll, each member of the school
17 staff shall be entitled to indicate his or her preference
18 for up to 2 candidates from among those who submitted
19 statements of candidacy as described above. These
20 preferences shall be advisory only and the Board shall
21 maintain absolute discretion to appoint teacher members to
22 local school councils, irrespective of the preferences
23 expressed in any such poll.

24 (iii) In the event that a teacher representative is
25 unable to perform his or her employment duties at the
26 school due to illness, disability, leave of absence,

1 disciplinary action, or any other reason, the Board shall
2 declare a temporary vacancy and appoint a replacement
3 teacher representative to serve on the local school council
4 until such time as the teacher member originally appointed
5 pursuant to this subsection (l) resumes service at the
6 attendance center or for the remainder of the term. The
7 replacement teacher representative shall be appointed in
8 the same manner and by the same procedures as teacher
9 representatives are appointed in subdivisions (i) and (ii)
10 of this subsection (l).

11 (m) Beginning with the 1995-1996 school year, and in every
12 year thereafter, the Board shall appoint one student member to
13 each secondary attendance center. These appointments shall be
14 made in the following manner:

15 (i) Appointments shall be made from among those
16 students who submit statements of candidacy to the
17 principal of the attendance center, such statements to be
18 submitted commencing on the first day of the twentieth week
19 of school and continuing for 2 weeks thereafter. The form
20 and manner of such candidacy statements shall be determined
21 by the Board.

22 (ii) During the twenty-second week of school in every
23 year, the principal of each attendance center shall conduct
24 a non-binding, advisory poll to ascertain the preferences
25 of the school students regarding the appointment of a
26 student to the local school council for that attendance

1 center. At such poll, each student shall be entitled to
2 indicate his or her preference for up to one candidate from
3 among those who submitted statements of candidacy as
4 described above. The Board shall promulgate rules to ensure
5 that these non-binding, advisory polls are conducted in a
6 fair and equitable manner and maximize the involvement of
7 all school students. The preferences expressed in these
8 non-binding, advisory polls shall be transmitted by the
9 principal to the Board. However, these preferences shall be
10 advisory only and the Board shall maintain absolute
11 discretion to appoint student members to local school
12 councils, irrespective of the preferences expressed in any
13 such poll.

14 (iii) For the 1995-96 school year only, appointments
15 shall be made from among those students who submitted
16 statements of candidacy to the principal of the attendance
17 center during the first 2 weeks of the school year. The
18 principal shall communicate the results of any nonbinding,
19 advisory poll to the Board. These results shall be advisory
20 only, and the Board shall maintain absolute discretion to
21 appoint student members to local school councils,
22 irrespective of the preferences expressed in any such poll.

23 (n) The Board may promulgate such other rules and
24 regulations for election procedures as may be deemed necessary
25 to ensure fair elections.

26 (o) In the event that a vacancy occurs during a member's

1 term, the Council shall appoint a person eligible to serve on
2 the Council, to fill the unexpired term created by the vacancy,
3 except that any teacher vacancy shall be filled by the Board
4 after considering the preferences of the school staff as
5 ascertained through a non-binding advisory poll of school
6 staff.

7 (p) If less than the specified number of persons is elected
8 within each candidate category, the newly elected local school
9 council shall appoint eligible persons to serve as members of
10 the Council for two-year terms.

11 (q) The Board shall promulgate rules regarding conflicts of
12 interest and disclosure of economic interests which shall apply
13 to local school council members and which shall require reports
14 or statements to be filed by Council members at regular
15 intervals with the Secretary of the Board. Failure to comply
16 with such rules or intentionally falsifying such reports shall
17 be grounds for disqualification from local school council
18 membership. A vacancy on the Council for disqualification may
19 be so declared by the Secretary of the Board. Rules regarding
20 conflicts of interest and disclosure of economic interests
21 promulgated by the Board shall apply to local school council
22 members. No less than 45 days prior to the deadline, the
23 general superintendent shall provide notice, by mail, to each
24 local school council member of all requirements and forms for
25 compliance with economic interest statements.

26 (r) (1) If a parent member of a local school council ceases

1 to have any child enrolled in the attendance center governed by
2 the Local School Council due to the graduation or voluntary
3 transfer of a child or children from the attendance center, the
4 parent's membership on the Local School Council and all voting
5 rights are terminated immediately as of the date of the child's
6 graduation or voluntary transfer. If the child of a parent
7 member of a local school council dies during the member's term
8 in office, the member may continue to serve on the local school
9 council for the balance of his or her term. Further, a local
10 school council member may be removed from the Council by a
11 majority vote of the Council as provided in subsection (c) of
12 Section 34-2.2 if the Council member has missed 3 consecutive
13 regular meetings, not including committee meetings, or 5
14 regular meetings in a 12 month period, not including committee
15 meetings. If a parent member of a local school council ceases
16 to be eligible to serve on the Council for any other reason, he
17 or she shall be removed by the Board subject to a hearing,
18 convened pursuant to Board rule, prior to removal. A vote to
19 remove a Council member by the local school council shall only
20 be valid if the Council member has been notified personally or
21 by certified mail, mailed to the person's last known address,
22 of the Council's intent to vote on the Council member's removal
23 at least 7 days prior to the vote. The Council member in
24 question shall have the right to explain his or her actions and
25 shall be eligible to vote on the question of his or her removal
26 from the Council. The provisions of this subsection shall be

1 contained within the petitions used to nominate Council
2 candidates.

3 (2) A person may continue to serve as a community resident
4 member of a local school council as long as he or she resides
5 in the attendance area served by the school and is not employed
6 by the Board nor is a parent of a student enrolled at the
7 school. If a community resident member ceases to be eligible to
8 serve on the Council, he or she shall be removed by the Board
9 subject to a hearing, convened pursuant to Board rule, prior to
10 removal.

11 (3) A person may continue to serve as a teacher member of a
12 local school council as long as he or she is employed and
13 assigned to perform a majority of his or her duties at the
14 school, provided that if the teacher representative resigns
15 from employment with the Board or voluntarily transfers to
16 another school, the teacher's membership on the local school
17 council and all voting rights are terminated immediately as of
18 the date of the teacher's resignation or upon the date of the
19 teacher's voluntary transfer to another school. If a teacher
20 member of a local school council ceases to be eligible to serve
21 on a local school council for any other reason, that member
22 shall be removed by the Board subject to a hearing, convened
23 pursuant to Board rule, prior to removal.

24 (Source: P.A. 95-1015, eff. 12-15-08; 96-1412, eff. 1-1-11.)

25 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

1 Sec. 34-84b. Conviction of sex or narcotics offense, first
2 degree murder, attempted first degree murder, or Class X felony
3 as grounds for revocation of certificate.

4 (a) Whenever the holder of any certificate issued by the
5 board of education has been convicted of any sex offense or
6 narcotics offense as defined in this Section, the board of
7 education shall forthwith suspend the certificate. If the
8 conviction is reversed and the holder is acquitted of the
9 offense in a new trial or the charges against him are
10 dismissed, the board shall forthwith terminate the suspension
11 of the certificate. When the conviction becomes final, the
12 board shall forthwith revoke the certificate. "Sex offense" as
13 used in this Section means any one or more of the following
14 offenses: (1) any offense defined in Sections 11-6, ~~and~~ 11-9,
15 and 11-30, ~~and~~ Sections 11-14 through 11-21, inclusive, and
16 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
17 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961;
18 (2) any attempt to commit any of the foregoing offenses, and
19 (3) any offense committed or attempted in any other state
20 which, if committed or attempted in this State, would have been
21 punishable as one or more of the foregoing offenses. "Narcotics
22 offense" as used in this Section means any one or more of the
23 following offenses: (1) any offense defined in the Cannabis
24 Control Act except those defined in Sections 4(a), 4(b) and
25 5(a) of that Act and any offense for which the holder of any
26 certificate is placed on probation under the provisions of

1 Section 10 of that Act and fulfills the terms and conditions of
2 probation as may be required by the court; (2) any offense
3 defined in the Illinois Controlled Substances Act except any
4 offense for which the holder of any certificate is placed on
5 probation under the provisions of Section 410 of that Act and
6 fulfills the terms and conditions of probation as may be
7 required by the court; (3) any offense defined in the
8 Methamphetamine Control and Community Protection Act except
9 any offense for which the holder of any certificate is placed
10 on probation under the provision of Section 70 of that Act and
11 fulfills the terms and conditions of probation as may be
12 required by the court; (4) any attempt to commit any of the
13 foregoing offenses; and (5) any offense committed or attempted
14 in any other state or against the laws of the United States
15 which, if committed or attempted in this State, would have been
16 punishable as one or more of the foregoing offenses.

17 (b) Whenever the holder of any certificate issued by the
18 board of education or pursuant to Article 21 or any other
19 provisions of the School Code has been convicted of first
20 degree murder, attempted first degree murder, or a Class X
21 felony, the board of education or the State Superintendent of
22 Education shall forthwith suspend the certificate. If the
23 conviction is reversed and the holder is acquitted of that
24 offense in a new trial or the charges that he or she committed
25 that offense are dismissed, the suspending authority shall
26 forthwith terminate the suspension of the certificate. When the

1 conviction becomes final, the State Superintendent of
2 Education shall forthwith revoke the certificate. The stated
3 offenses of "first degree murder", "attempted first degree
4 murder", and "Class X felony" referred to in this Section
5 include any offense committed in another state that, if
6 committed in this State, would have been punishable as any one
7 of the stated offenses.

8 (Source: P.A. 94-556, eff. 9-11-05.)

9 Section 970. The Medical School Matriculant Criminal
10 History Records Check Act is amended by changing Section 5 as
11 follows:

12 (110 ILCS 57/5)

13 Sec. 5. Definitions.

14 "Matriculant" means an individual who is conditionally
15 admitted as a student to a medical school located in Illinois,
16 pending the medical school's consideration of his or her
17 criminal history records check under this Act.

18 "Sex offender" means any person who is convicted pursuant
19 to Illinois law or any substantially similar federal, Uniform
20 Code of Military Justice, sister state, or foreign country law
21 with any of the following sex offenses set forth in the
22 Criminal Code of 1961:

23 (1) Indecent solicitation of a child.

24 (2) Sexual exploitation of a child.

1 (3) Custodial sexual misconduct.

2 (4) Exploitation of a child.

3 (5) Child pornography.

4 (6) Aggravated child pornography.

5 "Violent felony" means any of the following offenses, as
6 defined by the Criminal Code of 1961:

7 (1) First degree murder.

8 (2) Second degree murder.

9 (3) Predatory criminal sexual assault of a child.

10 (4) Aggravated criminal sexual assault.

11 (5) Criminal sexual assault.

12 (6) Aggravated arson.

13 (7) Aggravated kidnapping.

14 (8) Kidnapping.

15 (9) Aggravated battery resulting in great bodily harm
16 or permanent disability or disfigurement.

17 (Source: P.A. 94-709, eff. 12-5-05.)

18 Section 975. The Illinois Insurance Code is amended by
19 changing Sections 356e and 367 as follows:

20 (215 ILCS 5/356e) (from Ch. 73, par. 968e)

21 Sec. 356e. Victims of certain offenses.

22 (1) No policy of accident and health insurance, which
23 provides benefits for hospital or medical expenses based upon
24 the actual expenses incurred, delivered or issued for delivery

1 to any person in this State shall contain any specific
2 exception to coverage which would preclude the payment under
3 that policy of actual expenses incurred in the examination and
4 testing of a victim of an offense defined in Sections 11-1.20
5 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
6 1961, as now or hereafter amended, or an attempt to commit such
7 offense to establish that sexual contact did occur or did not
8 occur, and to establish the presence or absence of sexually
9 transmitted disease or infection, and examination and
10 treatment of injuries and trauma sustained by a victim of such
11 offense arising out of the offense. Every policy of accident
12 and health insurance which specifically provides benefits for
13 routine physical examinations shall provide full coverage for
14 expenses incurred in the examination and testing of a victim of
15 an offense defined in Sections 11-1.20 through 11-1.60 or 12-13
16 through 12-16 of the Criminal Code of 1961, as now or hereafter
17 amended, or an attempt to commit such offense as set forth in
18 this Section. This Section shall not apply to a policy which
19 covers hospital and medical expenses for specified illnesses or
20 injuries only.

21 (2) For purposes of enabling the recovery of State funds,
22 any insurance carrier subject to this Section shall upon
23 reasonable demand by the Department of Public Health disclose
24 the names and identities of its insureds entitled to benefits
25 under this provision to the Department of Public Health
26 whenever the Department of Public Health has determined that it

1 has paid, or is about to pay, hospital or medical expenses for
2 which an insurance carrier is liable under this Section. All
3 information received by the Department of Public Health under
4 this provision shall be held on a confidential basis and shall
5 not be subject to subpoena and shall not be made public by the
6 Department of Public Health or used for any purpose other than
7 that authorized by this Section.

8 (3) Whenever the Department of Public Health finds that it
9 has paid all or part of any hospital or medical expenses which
10 an insurance carrier is obligated to pay under this Section,
11 the Department of Public Health shall be entitled to receive
12 reimbursement for its payments from such insurance carrier
13 provided that the Department of Public Health has notified the
14 insurance carrier of its claims before the carrier has paid
15 such benefits to its insureds or in behalf of its insureds.

16 (Source: P.A. 89-187, eff. 7-19-95.)

17 (215 ILCS 5/367) (from Ch. 73, par. 979)

18 Sec. 367. Group accident and health insurance.

19 (1) Group accident and health insurance is hereby declared
20 to be that form of accident and health insurance covering not
21 less than 2 employees, members, or employees of members,
22 written under a master policy issued to any governmental
23 corporation, unit, agency or department thereof, or to any
24 corporation, copartnership, individual employer, or to any
25 association upon application of an executive officer or trustee

1 of such association having a constitution or bylaws and formed
2 in good faith for purposes other than that of obtaining
3 insurance, where officers, members, employees, employees of
4 members or classes or department thereof, may be insured for
5 their individual benefit. In addition a group accident and
6 health policy may be written to insure any group which may be
7 insured under a group life insurance policy. The term
8 "employees" shall include the officers, managers and employees
9 of subsidiary or affiliated corporations, and the individual
10 proprietors, partners and employees of affiliated individuals
11 and firms, when the business of such subsidiary or affiliated
12 corporations, firms or individuals, is controlled by a common
13 employer through stock ownership, contract or otherwise.

14 (2) Any insurance company authorized to write accident and
15 health insurance in this State shall have power to issue group
16 accident and health policies. No policy of group accident and
17 health insurance may be issued or delivered in this State
18 unless a copy of the form thereof shall have been filed with
19 the department and approved by it in accordance with Section
20 355, and it contains in substance those provisions contained in
21 Sections 357.1 through 357.30 as may be applicable to group
22 accident and health insurance and the following provisions:

23 (a) A provision that the policy, the application of the
24 employer, or executive officer or trustee of any
25 association, and the individual applications, if any, of
26 the employees, members or employees of members insured

1 shall constitute the entire contract between the parties,
2 and that all statements made by the employer, or the
3 executive officer or trustee, or by the individual
4 employees, members or employees of members shall (in the
5 absence of fraud) be deemed representations and not
6 warranties, and that no such statement shall be used in
7 defense to a claim under the policy, unless it is contained
8 in a written application.

9 (b) A provision that the insurer will issue to the
10 employer, or to the executive officer or trustee of the
11 association, for delivery to the employee, member or
12 employee of a member, who is insured under such policy, an
13 individual certificate setting forth a statement as to the
14 insurance protection to which he is entitled and to whom
15 payable.

16 (c) A provision that to the group or class thereof
17 originally insured shall be added from time to time all new
18 employees of the employer, members of the association or
19 employees of members eligible to and applying for insurance
20 in such group or class.

21 (3) Anything in this code to the contrary notwithstanding,
22 any group accident and health policy may provide that all or
23 any portion of any indemnities provided by any such policy on
24 account of hospital, nursing, medical or surgical services,
25 may, at the insurer's option, be paid directly to the hospital
26 or person rendering such services; but the policy may not

1 require that the service be rendered by a particular hospital
2 or person. Payment so made shall discharge the insurer's
3 obligation with respect to the amount of insurance so paid.
4 Nothing in this subsection (3) shall prohibit an insurer from
5 providing incentives for insureds to utilize the services of a
6 particular hospital or person.

7 (4) Special group policies may be issued to school
8 districts providing medical or hospital service, or both, for
9 pupils of the district injured while participating in any
10 athletic activity under the jurisdiction of or sponsored or
11 controlled by the district or the authorities of any school
12 thereof. The provisions of this Section governing the issuance
13 of group accident and health insurance shall, insofar as
14 applicable, control the issuance of such policies issued to
15 schools.

16 (5) No policy of group accident and health insurance may be
17 issued or delivered in this State unless it provides that upon
18 the death of the insured employee or group member the
19 dependents' coverage, if any, continues for a period of at
20 least 90 days subject to any other policy provisions relating
21 to termination of dependents' coverage.

22 (6) No group hospital policy covering miscellaneous
23 hospital expenses issued or delivered in this State shall
24 contain any exception or exclusion from coverage which would
25 preclude the payment of expenses incurred for the processing
26 and administration of blood and its components.

1 (7) No policy of group accident and health insurance,
2 delivered in this State more than 120 days after the effective
3 day of the Section, which provides inpatient hospital coverage
4 for sicknesses shall exclude from such coverage the treatment
5 of alcoholism. This subsection shall not apply to a policy
6 which covers only specified sicknesses.

7 (8) No policy of group accident and health insurance, which
8 provides benefits for hospital or medical expenses based upon
9 the actual expenses incurred, issued or delivered in this State
10 shall contain any specific exception to coverage which would
11 preclude the payment of actual expenses incurred in the
12 examination and testing of a victim of an offense defined in
13 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
14 Criminal Code of 1961, or an attempt to commit such offense, to
15 establish that sexual contact did occur or did not occur, and
16 to establish the presence or absence of sexually transmitted
17 disease or infection, and examination and treatment of injuries
18 and trauma sustained by the victim of such offense, arising out
19 of the offense. Every group policy of accident and health
20 insurance which specifically provides benefits for routine
21 physical examinations shall provide full coverage for expenses
22 incurred in the examination and testing of a victim of an
23 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
24 through 12-16 of the Criminal Code of 1961, or an attempt to
25 commit such offense, as set forth in this Section. This
26 subsection shall not apply to a policy which covers hospital

1 and medical expenses for specified illnesses and injuries only.

2 (9) For purposes of enabling the recovery of State funds,
3 any insurance carrier subject to this Section shall upon
4 reasonable demand by the Department of Public Health disclose
5 the names and identities of its insureds entitled to benefits
6 under this provision to the Department of Public Health
7 whenever the Department of Public Health has determined that it
8 has paid, or is about to pay, hospital or medical expenses for
9 which an insurance carrier is liable under this Section. All
10 information received by the Department of Public Health under
11 this provision shall be held on a confidential basis and shall
12 not be subject to subpoena and shall not be made public by the
13 Department of Public Health or used for any purpose other than
14 that authorized by this Section.

15 (10) Whenever the Department of Public Health finds that it
16 has paid all or part of any hospital or medical expenses which
17 an insurance carrier is obligated to pay under this Section,
18 the Department of Public Health shall be entitled to receive
19 reimbursement for its payments from such insurance carrier
20 provided that the Department of Public Health has notified the
21 insurance carrier of its claim before the carrier has paid the
22 benefits to its insureds or the insureds' assignees.

23 (11) (a) No group hospital, medical or surgical expense
24 policy shall contain any provision whereby benefits
25 otherwise payable thereunder are subject to reduction
26 solely on account of the existence of similar benefits

1 provided under other group or group-type accident and
2 sickness insurance policies where such reduction would
3 operate to reduce total benefits payable under these
4 policies below an amount equal to 100% of total allowable
5 expenses provided under these policies.

6 (b) When dependents of insureds are covered under 2
7 policies, both of which contain coordination of benefits
8 provisions, benefits of the policy of the insured whose
9 birthday falls earlier in the year are determined before
10 those of the policy of the insured whose birthday falls
11 later in the year. Birthday, as used herein, refers only to
12 the month and day in a calendar year, not the year in which
13 the person was born. The Department of Insurance shall
14 promulgate rules defining the order of benefit
15 determination pursuant to this paragraph (b).

16 (12) Every group policy under this Section shall be subject
17 to the provisions of Sections 356g and 356n of this Code.

18 (13) No accident and health insurer providing coverage for
19 hospital or medical expenses on an expense incurred basis shall
20 deny reimbursement for an otherwise covered expense incurred
21 for any organ transplantation procedure solely on the basis
22 that such procedure is deemed experimental or investigational
23 unless supported by the determination of the Office of Health
24 Care Technology Assessment within the Agency for Health Care
25 Policy and Research within the federal Department of Health and
26 Human Services that such procedure is either experimental or

1 investigational or that there is insufficient data or
2 experience to determine whether an organ transplantation
3 procedure is clinically acceptable. If an accident and health
4 insurer has made written request, or had one made on its behalf
5 by a national organization, for determination by the Office of
6 Health Care Technology Assessment within the Agency for Health
7 Care Policy and Research within the federal Department of
8 Health and Human Services as to whether a specific organ
9 transplantation procedure is clinically acceptable and said
10 organization fails to respond to such a request within a period
11 of 90 days, the failure to act may be deemed a determination
12 that the procedure is deemed to be experimental or
13 investigational.

14 (14) Whenever a claim for benefits by an insured under a
15 dental prepayment program is denied or reduced, based on the
16 review of x-ray films, such review must be performed by a
17 dentist.

18 (Source: P.A. 91-549, eff. 8-14-99.)

19 Section 980. The Health Maintenance Organization Act is
20 amended by changing Section 4-4 as follows:

21 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

22 Sec. 4-4. Sexual assault or abuse victims; coverage of
23 expenses; recovery of State funds; reimbursement of Department
24 of Public Health.

1 (1) Contracts or evidences of coverage issued by a health
2 maintenance organization, which provide benefits for health
3 care services, shall to the full extent of coverage provided
4 for any other emergency or accident care, provide for the
5 payment of actual expenses incurred, without offset or
6 reduction for benefit deductibles or co-insurance amounts, in
7 the examination and testing of a victim of an offense defined
8 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of
9 the Criminal Code of 1961, as now or hereafter amended, or an
10 attempt to commit such offense, to establish that sexual
11 contact did occur or did not occur, and to establish the
12 presence or absence of sexually transmitted disease or
13 infection, and examination and treatment of injuries and trauma
14 sustained by a victim of such offense.

15 (2) For purposes of enabling the recovery of State funds,
16 any health maintenance organization subject to this Section
17 shall upon reasonable demand by the Department of Public Health
18 disclose the names and identities of its enrollees entitled to
19 benefits under this provision to the Department of Public
20 Health whenever the Department of Public Health has determined
21 that it has paid, or is about to pay for, health care services
22 for which a health maintenance organization is liable under
23 this Section. All information received by the Department of
24 Public Health under this provision shall be held on a
25 confidential basis and shall not be subject to subpoena and
26 shall not be made public by the Department of Public Health or

1 used for any purpose other than that authorized by this
2 Section.

3 (3) Whenever the Department of Public Health finds that it
4 has paid for all or part of any health care services for which
5 a health maintenance organization is obligated to pay under
6 this Section, the Department of Public Health shall be entitled
7 to receive reimbursement for its payments from such
8 organization provided that the Department of Public Health has
9 notified the organization of its claims before the organization
10 has paid such benefits to its enrollees or in behalf of its
11 enrollees.

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 Section 985. The Voluntary Health Services Plans Act is
14 amended by changing Section 15.8 as follows:

15 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

16 Sec. 15.8. Sexual assault or abuse victims.

17 (1) Policies, contracts or subscription certificates
18 issued by a health services plan corporation, which provide
19 benefits for hospital or medical expenses based upon the actual
20 expenses incurred, shall to the full extent of coverage
21 provided for any other emergency or accident care, provide for
22 the payment of actual expenses incurred, without offset or
23 reduction for benefit deductibles or co-insurance amounts, in
24 the examination and testing of a victim of an offense defined

1 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of
2 the Criminal Code of 1961, as now or hereafter amended, or
3 attempt to commit such offense, to establish that sexual
4 contact did occur or did not occur, and to establish the
5 presence or absence of sexually transmitted disease or
6 infection, and examination and treatment of injuries and trauma
7 sustained by a victim of such offense.

8 (2) For purposes of enabling the recovery of State Funds,
9 any health services plan corporation subject to this Section
10 shall upon reasonable demand by the Department of Public Health
11 disclose the names and identities of its insureds or
12 subscribers entitled to benefits under this provision to the
13 Department of Public Health whenever the Department of Public
14 Health has determined that it has paid, or is about to pay,
15 hospital or medical expenses for which a health care service
16 corporation is liable under this Section. All information
17 received by the Department of Public Health under this
18 provision shall be held on a confidential basis and shall not
19 be subject to subpoena and shall not be made public by the
20 Department of Public Health or used for any purpose other than
21 that authorized by this Section.

22 (3) Whenever the Department of Public Health finds that it
23 has paid all or part of any hospital or medical expenses which
24 a health services plan corporation is obligated to pay under
25 this Section, the Department of Public Health shall be entitled
26 to receive reimbursement for its payments from such corporation

1 provided that the Department of Public Health has notified the
2 corporation of its claims before the corporation has paid such
3 benefits to its subscribers or in behalf of its subscribers.

4 (Source: P.A. 89-187, eff. 7-19-95.)

5 Section 990. The Child Care Act of 1969 is amended by
6 changing Section 4.2 as follows:

7 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

8 Sec. 4.2. (a) No applicant may receive a license from the
9 Department and no person may be employed by a licensed child
10 care facility who refuses to authorize an investigation as
11 required by Section 4.1.

12 (b) In addition to the other provisions of this Section, no
13 applicant may receive a license from the Department and no
14 person may be employed by a child care facility licensed by the
15 Department who has been declared a sexually dangerous person
16 under "An Act in relation to sexually dangerous persons, and
17 providing for their commitment, detention and supervision",
18 approved July 6, 1938, as amended, or convicted of committing
19 or attempting to commit any of the following offenses
20 stipulated under the Criminal Code of 1961:

21 (1) murder;

22 (1.1) solicitation of murder;

23 (1.2) solicitation of murder for hire;

24 (1.3) intentional homicide of an unborn child;

- 1 (1.4) voluntary manslaughter of an unborn child;
- 2 (1.5) involuntary manslaughter;
- 3 (1.6) reckless homicide;
- 4 (1.7) concealment of a homicidal death;
- 5 (1.8) involuntary manslaughter of an unborn child;
- 6 (1.9) reckless homicide of an unborn child;
- 7 (1.10) drug-induced homicide;
- 8 (2) a sex offense under Article 11, except offenses
- 9 described in Sections 11-7, 11-8, 11-12, ~~and 11-13,~~ 11-35,
- 10 11-40, and 11-45;
- 11 (3) kidnapping;
- 12 (3.1) aggravated unlawful restraint;
- 13 (3.2) forcible detention;
- 14 (3.3) harboring a runaway;
- 15 (3.4) aiding and abetting child abduction;
- 16 (4) aggravated kidnapping;
- 17 (5) child abduction;
- 18 (6) aggravated battery of a child;
- 19 (7) criminal sexual assault;
- 20 (8) aggravated criminal sexual assault;
- 21 (8.1) predatory criminal sexual assault of a child;
- 22 (9) criminal sexual abuse;
- 23 (10) aggravated sexual abuse;
- 24 (11) heinous battery;
- 25 (12) aggravated battery with a firearm;
- 26 (13) tampering with food, drugs, or cosmetics;

- 1 (14) drug induced infliction of great bodily harm;
- 2 (15) hate crime;
- 3 (16) stalking;
- 4 (17) aggravated stalking;
- 5 (18) threatening public officials;
- 6 (19) home invasion;
- 7 (20) vehicular invasion;
- 8 (21) criminal transmission of HIV;
- 9 (22) criminal abuse or neglect of an elderly or
10 disabled person;
- 11 (23) child abandonment;
- 12 (24) endangering the life or health of a child;
- 13 (25) ritual mutilation;
- 14 (26) ritualized abuse of a child;
- 15 (27) an offense in any other jurisdiction the elements
16 of which are similar and bear a substantial relationship to
17 any of the foregoing offenses.

18 (b-1) In addition to the other provisions of this Section,
19 beginning January 1, 2004, no new applicant and, on the date of
20 licensure renewal, no current licensee may operate or receive a
21 license from the Department to operate, no person may be
22 employed by, and no adult person may reside in a child care
23 facility licensed by the Department who has been convicted of
24 committing or attempting to commit any of the following
25 offenses or an offense in any other jurisdiction the elements
26 of which are similar and bear a substantial relationship to any

1 of the following offenses:

2 (I) BODILY HARM

3 (1) Felony aggravated assault.

4 (2) Vehicular endangerment.

5 (3) Felony domestic battery.

6 (4) Aggravated battery.

7 (5) Heinous battery.

8 (6) Aggravated battery with a firearm.

9 (7) Aggravated battery of an unborn child.

10 (8) Aggravated battery of a senior citizen.

11 (9) Intimidation.

12 (10) Compelling organization membership of persons.

13 (11) Abuse and gross neglect of a long term care
14 facility resident.

15 (12) Felony violation of an order of protection.

16 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

17 (1) Felony unlawful use of weapons.

18 (2) Aggravated discharge of a firearm.

19 (3) Reckless discharge of a firearm.

20 (4) Unlawful use of metal piercing bullets.

21 (5) Unlawful sale or delivery of firearms on the
22 premises of any school.

- 1 (6) Disarming a police officer.
- 2 (7) Obstructing justice.
- 3 (8) Concealing or aiding a fugitive.
- 4 (9) Armed violence.
- 5 (10) Felony contributing to the criminal delinquency
- 6 of a juvenile.

7 (III) DRUG OFFENSES

- 8 (1) Possession of more than 30 grams of cannabis.
- 9 (2) Manufacture of more than 10 grams of cannabis.
- 10 (3) Cannabis trafficking.
- 11 (4) Delivery of cannabis on school grounds.
- 12 (5) Unauthorized production of more than 5 cannabis
- 13 sativa plants.
- 14 (6) Calculated criminal cannabis conspiracy.
- 15 (7) Unauthorized manufacture or delivery of controlled
- 16 substances.
- 17 (8) Controlled substance trafficking.
- 18 (9) Manufacture, distribution, or advertisement of
- 19 look-alike substances.
- 20 (10) Calculated criminal drug conspiracy.
- 21 (11) Street gang criminal drug conspiracy.
- 22 (12) Permitting unlawful use of a building.
- 23 (13) Delivery of controlled, counterfeit, or
- 24 look-alike substances to persons under age 18, or at truck

1 stops, rest stops, or safety rest areas, or on school
2 property.

3 (14) Using, engaging, or employing persons under 18 to
4 deliver controlled, counterfeit, or look-alike substances.

5 (15) Delivery of controlled substances.

6 (16) Sale or delivery of drug paraphernalia.

7 (17) Felony possession, sale, or exchange of
8 instruments adapted for use of a controlled substance,
9 methamphetamine, or cannabis by subcutaneous injection.

10 (18) Felony possession of a controlled substance.

11 (19) Any violation of the Methamphetamine Control and
12 Community Protection Act.

13 (b-2) For child care facilities other than foster family
14 homes, the Department may issue a new child care facility
15 license to or renew the existing child care facility license of
16 an applicant, a person employed by a child care facility, or an
17 applicant who has an adult residing in a home child care
18 facility who was convicted of an offense described in
19 subsection (b-1), provided that all of the following
20 requirements are met:

21 (1) The relevant criminal offense occurred more than 5
22 years prior to the date of application or renewal, except
23 for drug offenses. The relevant drug offense must have
24 occurred more than 10 years prior to the date of
25 application or renewal, unless the applicant passed a drug
26 test, arranged and paid for by the child care facility, no

1 less than 5 years after the offense.

2 (2) The Department must conduct a background check and
3 assess all convictions and recommendations of the child
4 care facility to determine if waiver shall apply in
5 accordance with Department administrative rules and
6 procedures.

7 (3) The applicant meets all other requirements and
8 qualifications to be licensed as the pertinent type of
9 child care facility under this Act and the Department's
10 administrative rules.

11 (c) In addition to the other provisions of this Section, no
12 applicant may receive a license from the Department to operate
13 a foster family home, and no adult person may reside in a
14 foster family home licensed by the Department, who has been
15 convicted of committing or attempting to commit any of the
16 following offenses stipulated under the Criminal Code of 1961,
17 the Cannabis Control Act, the Methamphetamine Control and
18 Community Protection Act, and the Illinois Controlled
19 Substances Act:

20 (I) OFFENSES DIRECTED AGAINST THE PERSON

21 (A) KIDNAPPING AND RELATED OFFENSES

22 (1) Unlawful restraint.

23 (B) BODILY HARM

- 1 (2) Felony aggravated assault.
- 2 (3) Vehicular endangerment.
- 3 (4) Felony domestic battery.
- 4 (5) Aggravated battery.
- 5 (6) Heinous battery.
- 6 (7) Aggravated battery with a firearm.
- 7 (8) Aggravated battery of an unborn child.
- 8 (9) Aggravated battery of a senior citizen.
- 9 (10) Intimidation.
- 10 (11) Compelling organization membership of persons.
- 11 (12) Abuse and gross neglect of a long term care
- 12 facility resident.
- 13 (13) Felony violation of an order of protection.

14 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 15 (14) Felony theft.
- 16 (15) Robbery.
- 17 (16) Armed robbery.
- 18 (17) Aggravated robbery.
- 19 (18) Vehicular hijacking.
- 20 (19) Aggravated vehicular hijacking.
- 21 (20) Burglary.
- 22 (21) Possession of burglary tools.
- 23 (22) Residential burglary.
- 24 (23) Criminal fortification of a residence or

1 building.

2 (24) Arson.

3 (25) Aggravated arson.

4 (26) Possession of explosive or explosive incendiary
5 devices.

6 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

7 (27) Felony unlawful use of weapons.

8 (28) Aggravated discharge of a firearm.

9 (29) Reckless discharge of a firearm.

10 (30) Unlawful use of metal piercing bullets.

11 (31) Unlawful sale or delivery of firearms on the
12 premises of any school.

13 (32) Disarming a police officer.

14 (33) Obstructing justice.

15 (34) Concealing or aiding a fugitive.

16 (35) Armed violence.

17 (36) Felony contributing to the criminal delinquency
18 of a juvenile.

19 (IV) DRUG OFFENSES

20 (37) Possession of more than 30 grams of cannabis.

21 (38) Manufacture of more than 10 grams of cannabis.

22 (39) Cannabis trafficking.

1 (40) Delivery of cannabis on school grounds.

2 (41) Unauthorized production of more than 5 cannabis
3 sativa plants.

4 (42) Calculated criminal cannabis conspiracy.

5 (43) Unauthorized manufacture or delivery of
6 controlled substances.

7 (44) Controlled substance trafficking.

8 (45) Manufacture, distribution, or advertisement of
9 look-alike substances.

10 (46) Calculated criminal drug conspiracy.

11 (46.5) Streetgang criminal drug conspiracy.

12 (47) Permitting unlawful use of a building.

13 (48) Delivery of controlled, counterfeit, or
14 look-alike substances to persons under age 18, or at truck
15 stops, rest stops, or safety rest areas, or on school
16 property.

17 (49) Using, engaging, or employing persons under 18 to
18 deliver controlled, counterfeit, or look-alike substances.

19 (50) Delivery of controlled substances.

20 (51) Sale or delivery of drug paraphernalia.

21 (52) Felony possession, sale, or exchange of
22 instruments adapted for use of a controlled substance,
23 methamphetamine, or cannabis by subcutaneous injection.

24 (53) Any violation of the Methamphetamine Control and
25 Community Protection Act.

26 (d) Notwithstanding subsection (c), the Department may

1 issue a new foster family home license or may renew an existing
2 foster family home license of an applicant who was convicted of
3 an offense described in subsection (c), provided all of the
4 following requirements are met:

5 (1) The relevant criminal offense or offenses occurred
6 more than 10 years prior to the date of application or
7 renewal.

8 (2) The applicant had previously disclosed the
9 conviction or convictions to the Department for purposes of
10 a background check.

11 (3) After the disclosure, the Department either placed
12 a child in the home or the foster family home license was
13 issued.

14 (4) During the background check, the Department had
15 assessed and waived the conviction in compliance with the
16 existing statutes and rules in effect at the time of the
17 waiver.

18 (5) The applicant meets all other requirements and
19 qualifications to be licensed as a foster family home under
20 this Act and the Department's administrative rules.

21 (6) The applicant has a history of providing a safe,
22 stable home environment and appears able to continue to
23 provide a safe, stable home environment.

24 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

25 Section 995. The Health Care Worker Background Check Act is

1 amended by changing Section 25 as follows:

2 (225 ILCS 46/25)

3 Sec. 25. Persons ineligible to be hired by health care
4 employers and long-term care facilities.

5 (a) In the discretion of the Director of Public Health, as
6 soon after January 1, 1996, January 1, 1997, January 1, 2006,
7 or October 1, 2007, as applicable, and as is reasonably
8 practical, no health care employer shall knowingly hire,
9 employ, or retain any individual in a position with duties
10 involving direct care for clients, patients, or residents, and
11 no long-term care facility shall knowingly hire, employ, or
12 retain any individual in a position with duties that involve or
13 may involve contact with residents or access to the living
14 quarters or the financial, medical, or personal records of
15 residents, who has been convicted of committing or attempting
16 to commit one or more of the following offenses: those defined
17 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
18 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
19 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
20 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
21 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14,
23 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33,
24 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
25 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or

1 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
2 1961; those provided in Section 4 of the Wrongs to Children
3 Act; those provided in Section 53 of the Criminal Jurisprudence
4 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the
5 Cannabis Control Act; those defined in the Methamphetamine
6 Control and Community Protection Act; or those defined in
7 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the
8 Illinois Controlled Substances Act, unless the applicant or
9 employee obtains a waiver pursuant to Section 40.

10 (a-1) In the discretion of the Director of Public Health,
11 as soon after January 1, 2004 or October 1, 2007, as
12 applicable, and as is reasonably practical, no health care
13 employer shall knowingly hire any individual in a position with
14 duties involving direct care for clients, patients, or
15 residents, and no long-term care facility shall knowingly hire
16 any individual in a position with duties that involve or may
17 involve contact with residents or access to the living quarters
18 or the financial, medical, or personal records of residents,
19 who has (i) been convicted of committing or attempting to
20 commit one or more of the offenses defined in Section 12-3.3,
21 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
22 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
23 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
24 and Debit Card Act; or Section 11-9.1A of the Criminal Code of
25 1961 or Section 5.1 of the Wrongs to Children Act; or (ii)
26 violated Section 50-50 of the Nurse Practice Act, unless the

1 applicant or employee obtains a waiver pursuant to Section 40
2 of this Act.

3 A health care employer is not required to retain an
4 individual in a position with duties involving direct care for
5 clients, patients, or residents, and no long-term care facility
6 is required to retain an individual in a position with duties
7 that involve or may involve contact with residents or access to
8 the living quarters or the financial, medical, or personal
9 records of residents, who has been convicted of committing or
10 attempting to commit one or more of the offenses enumerated in
11 this subsection.

12 (b) A health care employer shall not hire, employ, or
13 retain any individual in a position with duties involving
14 direct care of clients, patients, or residents, and no
15 long-term care facility shall knowingly hire, employ, or retain
16 any individual in a position with duties that involve or may
17 involve contact with residents or access to the living quarters
18 or the financial, medical, or personal records of residents, if
19 the health care employer becomes aware that the individual has
20 been convicted in another state of committing or attempting to
21 commit an offense that has the same or similar elements as an
22 offense listed in subsection (a) or (a-1), as verified by court
23 records, records from a state agency, or an FBI criminal
24 history record check, unless the applicant or employee obtains
25 a waiver pursuant to Section 40 of this Act. This shall not be
26 construed to mean that a health care employer has an obligation

1 to conduct a criminal history records check in other states in
2 which an employee has resided.

3 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
4 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

5 Section 1000. The Liquor Control Act of 1934 is amended by
6 changing Section 6-2 as follows:

7 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

8 Sec. 6-2. Issuance of licenses to certain persons
9 prohibited.

10 (a) Except as otherwise provided in subsection (b) of this
11 Section and in paragraph (1) of subsection (a) of Section 3-12,
12 no license of any kind issued by the State Commission or any
13 local commission shall be issued to:

14 (1) A person who is not a resident of any city, village
15 or county in which the premises covered by the license are
16 located; except in case of railroad or boat licenses.

17 (2) A person who is not of good character and
18 reputation in the community in which he resides.

19 (3) A person who is not a citizen of the United States.

20 (4) A person who has been convicted of a felony under
21 any Federal or State law, unless the Commission determines
22 that such person has been sufficiently rehabilitated to
23 warrant the public trust after considering matters set
24 forth in such person's application and the Commission's

1 investigation. The burden of proof of sufficient
2 rehabilitation shall be on the applicant.

3 (5) A person who has been convicted of keeping a place
4 of prostitution or keeping a place of juvenile
5 prostitution, promoting prostitution that involves keeping
6 a place of prostitution, or promoting juvenile
7 prostitution that involves keeping a place of juvenile
8 prostitution ~~being the keeper or is keeping a house of ill~~
9 ~~fame.~~

10 (6) A person who has been convicted of pandering or
11 other crime or misdemeanor opposed to decency and morality.

12 (7) A person whose license issued under this Act has
13 been revoked for cause.

14 (8) A person who at the time of application for renewal
15 of any license issued hereunder would not be eligible for
16 such license upon a first application.

17 (9) A copartnership, if any general partnership
18 thereof, or any limited partnership thereof, owning more
19 than 5% of the aggregate limited partner interest in such
20 copartnership would not be eligible to receive a license
21 hereunder for any reason other than residence within the
22 political subdivision, unless residency is required by
23 local ordinance.

24 (10) A corporation or limited liability company, if any
25 member, officer, manager or director thereof, or any
26 stockholder or stockholders owning in the aggregate more

1 than 5% of the stock of such corporation, would not be
2 eligible to receive a license hereunder for any reason
3 other than citizenship and residence within the political
4 subdivision.

5 (10a) A corporation or limited liability company
6 unless it is incorporated or organized in Illinois, or
7 unless it is a foreign corporation or foreign limited
8 liability company which is qualified under the Business
9 Corporation Act of 1983 or the Limited Liability Company
10 Act to transact business in Illinois. The Commission shall
11 permit and accept from an applicant for a license under
12 this Act proof prepared from the Secretary of State's
13 website that the corporation or limited liability company
14 is in good standing and is qualified under the Business
15 Corporation Act of 1983 or the Limited Liability Company
16 Act to transact business in Illinois.

17 (11) A person whose place of business is conducted by a
18 manager or agent unless the manager or agent possesses the
19 same qualifications required by the licensee.

20 (12) A person who has been convicted of a violation of
21 any Federal or State law concerning the manufacture,
22 possession or sale of alcoholic liquor, subsequent to the
23 passage of this Act or has forfeited his bond to appear in
24 court to answer charges for any such violation.

25 (13) A person who does not beneficially own the
26 premises for which a license is sought, or does not have a

1 lease thereon for the full period for which the license is
2 to be issued.

3 (14) Any law enforcing public official, including
4 members of local liquor control commissions, any mayor,
5 alderman, or member of the city council or commission, any
6 president of the village board of trustees, any member of a
7 village board of trustees, or any president or member of a
8 county board; and no such official shall have a direct
9 interest in the manufacture, sale, or distribution of
10 alcoholic liquor, except that a license may be granted to
11 such official in relation to premises that are not located
12 within the territory subject to the jurisdiction of that
13 official if the issuance of such license is approved by the
14 State Liquor Control Commission and except that a license
15 may be granted, in a city or village with a population of
16 50,000 or less, to any alderman, member of a city council,
17 or member of a village board of trustees in relation to
18 premises that are located within the territory subject to
19 the jurisdiction of that official if (i) the sale of
20 alcoholic liquor pursuant to the license is incidental to
21 the selling of food, (ii) the issuance of the license is
22 approved by the State Commission, (iii) the issuance of the
23 license is in accordance with all applicable local
24 ordinances in effect where the premises are located, and
25 (iv) the official granted a license does not vote on
26 alcoholic liquor issues pending before the board or council

1 to which the license holder is elected. Notwithstanding any
2 provision of this paragraph (14) to the contrary, an
3 alderman or member of a city council or commission, a
4 member of a village board of trustees other than the
5 president of the village board of trustees, or a member of
6 a county board other than the president of a county board
7 may have a direct interest in the manufacture, sale, or
8 distribution of alcoholic liquor as long as he or she is
9 not a law enforcing public official, a mayor, a village
10 board president, or president of a county board. To prevent
11 any conflict of interest, the elected official with the
12 direct interest in the manufacture, sale, or distribution
13 of alcoholic liquor cannot participate in any meetings,
14 hearings, or decisions on matters impacting the
15 manufacture, sale, or distribution of alcoholic liquor.

16 (15) A person who is not a beneficial owner of the
17 business to be operated by the licensee.

18 (16) A person who has been convicted of a gambling
19 offense as proscribed by any of subsections (a) (3) through
20 (a) (11) of Section 28-1 of, or as proscribed by Section
21 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
22 proscribed by a statute replaced by any of the aforesaid
23 statutory provisions.

24 (17) A person or entity to whom a federal wagering
25 stamp has been issued by the federal government, unless the
26 person or entity is eligible to be issued a license under

1 the Raffles Act or the Illinois Pull Tabs and Jar Games
2 Act.

3 (18) A person who intends to sell alcoholic liquors for
4 use or consumption on his or her licensed retail premises
5 who does not have liquor liability insurance coverage for
6 that premises in an amount that is at least equal to the
7 maximum liability amounts set out in subsection (a) of
8 Section 6-21.

9 (b) A criminal conviction of a corporation is not grounds
10 for the denial, suspension, or revocation of a license applied
11 for or held by the corporation if the criminal conviction was
12 not the result of a violation of any federal or State law
13 concerning the manufacture, possession or sale of alcoholic
14 liquor, the offense that led to the conviction did not result
15 in any financial gain to the corporation and the corporation
16 has terminated its relationship with each director, officer,
17 employee, or controlling shareholder whose actions directly
18 contributed to the conviction of the corporation. The
19 Commission shall determine if all provisions of this subsection
20 (b) have been met before any action on the corporation's
21 license is initiated.

22 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,
23 eff. 7-29-05; 95-331, eff. 8-21-07.)

24 Section 1005. The Illinois Public Aid Code is amended by
25 changing Section 4-1.7 as follows:

1 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

2 Sec. 4-1.7. Enforcement of Parental Child Support
3 Obligation. If the parent or parents of the child are failing
4 to meet or are delinquent in their legal obligation to support
5 the child, the parent or other person having custody of the
6 child or the Department of Healthcare and Family Services may
7 request the law enforcement officer authorized or directed by
8 law to so act to file action for the enforcement of such
9 remedies as the law provides for the fulfillment of the child
10 support obligation.

11 If a parent has a judicial remedy against the other parent
12 to compel child support, or if, as the result of an action
13 initiated by or in behalf of one parent against the other, a
14 child support order has been entered in respect to which there
15 is noncompliance or delinquency, or where the order so entered
16 may be changed upon petition to the court to provide additional
17 support, the parent or other person having custody of the child
18 or the Department of Healthcare and Family Services may request
19 the appropriate law enforcement officer to seek enforcement of
20 the remedy, or of the support order, or a change therein to
21 provide additional support. If the law enforcement officer is
22 not authorized by law to so act in these instances, the parent,
23 or if so authorized by law the other person having custody of
24 the child, or the Department of Healthcare and Family Services
25 may initiate an action to enforce these remedies.

1 A parent or other person having custody of the child must
2 comply with the requirements of Title IV of the federal Social
3 Security Act, and the regulations duly promulgated thereunder,
4 and any rules promulgated by the Illinois Department regarding
5 enforcement of the child support obligation. The Department of
6 Healthcare and Family Services and the Department of Human
7 Services may provide by rule for the grant or continuation of
8 aid to the person for a temporary period if he or she accepts
9 counseling or other services designed to increase his or her
10 motivation to seek enforcement of the child support obligation.

11 In addition to any other definition of failure or refusal
12 to comply with the requirements of Title IV of the federal
13 Social Security Act, or Illinois Department rule, in the case
14 of failure to attend court hearings, the parent or other person
15 can show cooperation by attending a court hearing or, if a
16 court hearing cannot be scheduled within 14 days following the
17 court hearing that was missed, by signing a statement that the
18 parent or other person is now willing to cooperate in the child
19 support enforcement process and will appear at any later
20 scheduled court date. The parent or other person can show
21 cooperation by signing such a statement only once. If failure
22 to attend the court hearing or other failure to cooperate
23 results in the case being dismissed, such a statement may be
24 signed after 2 months.

25 No denial or termination of medical assistance pursuant to
26 this Section shall commence during pregnancy of the parent or

1 other person having custody of the child or for 30 days after
2 the termination of such pregnancy. The termination of medical
3 assistance may commence thereafter if the Department of
4 Healthcare and Family Services determines that the failure or
5 refusal to comply with this Section persists. Postponement of
6 denial or termination of medical assistance during pregnancy
7 under this paragraph shall be effective only to the extent it
8 does not conflict with federal law or regulation.

9 Any evidence a parent or other person having custody of the
10 child gives in order to comply with the requirements of this
11 Section shall not render him or her liable to prosecution under
12 Section 11-35 or 11-40 ~~Sections 11-7 or 11-8~~ of the "Criminal
13 Code of 1961", approved July 28, 1961, as amended.

14 When so requested, the Department of Healthcare and Family
15 Services and the Department of Human Services shall provide
16 such services and assistance as the law enforcement officer may
17 require in connection with the filing of any action hereunder.

18 The Department of Healthcare and Family Services and the
19 Department of Human Services, as an expense of administration,
20 may also provide applicants for and recipients of aid with such
21 services and assistance, including assumption of the
22 reasonable costs of prosecuting any action or proceeding, as
23 may be necessary to enable them to enforce the child support
24 liability required hereunder.

25 Nothing in this Section shall be construed as a requirement
26 that an applicant or recipient file an action for dissolution

1 of marriage against his or her spouse.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 1008. The Abused and Neglected Child Reporting Act
4 is amended by changing Section 4.5 as follows:

5 (325 ILCS 5/4.5)

6 Sec. 4.5. Electronic and information technology workers;
7 reporting child pornography.

8 (a) In this Section:

9 "Child pornography" means child pornography as described
10 in Section 11-20.1 of the Criminal Code of 1961 or aggravated
11 child pornography as described in Section 11-20.1B ~~11-20.3~~ of
12 the Criminal Code of 1961.

13 "Electronic and information technology equipment" means
14 equipment used in the creation, manipulation, storage,
15 display, or transmission of data, including internet and
16 intranet systems, software applications, operating systems,
17 video and multimedia, telecommunications products, kiosks,
18 information transaction machines, copiers, printers, and
19 desktop and portable computers.

20 "Electronic and information technology equipment worker"
21 means a person who in the scope and course of his or her
22 employment or business installs, repairs, or otherwise
23 services electronic and information technology equipment for a
24 fee but does not include (i) an employee, independent

1 contractor, or other agent of a telecommunications carrier or
2 telephone or telecommunications cooperative, as those terms
3 are defined in the Public Utilities Act, or (ii) an employee,
4 independent contractor, or other agent of a provider of
5 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

6 (b) If an electronic and information technology equipment
7 worker discovers any depiction of child pornography while
8 installing, repairing, or otherwise servicing an item of
9 electronic and information technology equipment, that worker
10 or the worker's employer shall immediately report the discovery
11 to the local law enforcement agency or to the Cyber Tipline at
12 the National Center for Missing & Exploited Children.

13 (c) If a report is filed in accordance with the
14 requirements of 42 U.S.C. 13032, the requirements of this
15 Section 4.5 will be deemed to have been met.

16 (d) An electronic and information technology equipment
17 worker or electronic and information technology equipment
18 worker's employer who reports a discovery of child pornography
19 as required under this Section is immune from any criminal,
20 civil, or administrative liability in connection with making
21 the report, except for willful or wanton misconduct.

22 (e) Failure to report a discovery of child pornography as
23 required under this Section is a business offense subject to a
24 fine of \$1,001.

25 (Source: P.A. 95-944, eff. 8-29-08.)

1 Section 1010. The Intergovernmental Missing Child Recovery
2 Act of 1984 is amended by changing Section 2 as follows:

3 (325 ILCS 40/2) (from Ch. 23, par. 2252)

4 Sec. 2. As used in this Act: (a) "Department" means the
5 Department of State Police.

6 (b) "Director" means the Director of the Department of
7 State Police.

8 (c) "Unit of Local Government" is defined as in Article
9 VII, Section 1 of the Illinois Constitution and includes both
10 home rule units and units which are not home rule units. The
11 term is also defined to include all public school districts
12 subject to the provisions of The School Code.

13 (d) "Child" means a person under 21 years of age.

14 (e) A "LEADS terminal" is an interactive computerized
15 communication and processing unit which permits a direct
16 on-line communication with the Department of State Police's
17 central data repository, the Law Enforcement Agencies Data
18 System (LEADS).

19 (f) A "Primary contact agency" means a law enforcement
20 agency which maintains a LEADS terminal, or has immediate
21 access to one on a 24-hour-per-day, 7-day-per-week basis by
22 written agreement with another law enforcement agency, and is
23 designated by the I SEARCH policy board to be the agency
24 responsible for coordinating the joint efforts between the
25 Department of State Police and the I SEARCH program

1 participants.

2 (g) "Illinois State Enforcement Agencies to Recover
3 Children Unit" or "I SEARCH Unit" means a combination of units
4 of local government within a contiguous geographical area
5 served by one or more LEADS terminals and established to
6 collectively address the missing and exploited children
7 problem in their respective geographical areas.

8 (h) "Missing child" means any person under 21 years of age
9 whose whereabouts are unknown to his or her parents or legal
10 guardian.

11 (i) "Exploitation" means activities and actions which
12 include, but are not limited to, child pornography, aggravated
13 child pornography, child prostitution, child sexual abuse,
14 drug and substance abuse by children, and child suicide.

15 (j) "Participating agency" means a law enforcement agency
16 that does not receive State funding, but signs an agreement of
17 intergovernmental cooperation with the Department to perform
18 the duties of an I SEARCH Unit.

19 (Source: P.A. 85-1209.)

20 Section 1015. The Sexual Assault Survivors Emergency
21 Treatment Act is amended by changing Section 1a as follows:

22 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

23 Sec. 1a. Definitions. In this Act:

24 "Ambulance provider" means an individual or entity that

1 owns and operates a business or service using ambulances or
2 emergency medical services vehicles to transport emergency
3 patients.

4 "Areawide sexual assault treatment plan" means a plan,
5 developed by the hospitals in the community or area to be
6 served, which provides for hospital emergency services to
7 sexual assault survivors that shall be made available by each
8 of the participating hospitals.

9 "Department" means the Department of Public Health.

10 "Emergency contraception" means medication as approved by
11 the federal Food and Drug Administration (FDA) that can
12 significantly reduce the risk of pregnancy if taken within 72
13 hours after sexual assault.

14 "Follow-up healthcare" means healthcare services related
15 to a sexual assault, including laboratory services and pharmacy
16 services, rendered within 90 days of the initial visit for
17 hospital emergency services.

18 "Forensic services" means the collection of evidence
19 pursuant to a statewide sexual assault evidence collection
20 program administered by the Department of State Police, using
21 the Illinois State Police Sexual Assault Evidence Collection
22 Kit.

23 "Health care professional" means a physician, a physician
24 assistant, or an advanced practice nurse.

25 "Hospital" has the meaning given to that term in the
26 Hospital Licensing Act.

1 "Hospital emergency services" means healthcare delivered
2 to outpatients within or under the care and supervision of
3 personnel working in a designated emergency department of a
4 hospital, including, but not limited to, care ordered by such
5 personnel for a sexual assault survivor in the emergency
6 department.

7 "Illinois State Police Sexual Assault Evidence Collection
8 Kit" means a prepackaged set of materials and forms to be used
9 for the collection of evidence relating to sexual assault. The
10 standardized evidence collection kit for the State of Illinois
11 shall be the Illinois State Police Sexual Assault Evidence
12 Collection Kit.

13 "Nurse" means a nurse licensed under the Nurse Practice
14 Act.

15 "Physician" means a person licensed to practice medicine in
16 all its branches.

17 "Sexual assault" means an act of nonconsensual sexual
18 conduct or sexual penetration, as defined in Section 11-0.1
19 ~~12-12~~ of the Criminal Code of 1961, including, without
20 limitation, acts prohibited under Sections 11-1.20 through
21 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961.

22 "Sexual assault survivor" means a person who presents for
23 hospital emergency services in relation to injuries or trauma
24 resulting from a sexual assault.

25 "Sexual assault transfer plan" means a written plan
26 developed by a hospital and approved by the Department, which

1 describes the hospital's procedures for transferring sexual
2 assault survivors to another hospital in order to receive
3 emergency treatment.

4 "Sexual assault treatment plan" means a written plan
5 developed by a hospital that describes the hospital's
6 procedures and protocols for providing hospital emergency
7 services and forensic services to sexual assault survivors who
8 present themselves for such services, either directly or
9 through transfer from another hospital.

10 "Transfer services" means the appropriate medical
11 screening examination and necessary stabilizing treatment
12 prior to the transfer of a sexual assault survivor to a
13 hospital that provides hospital emergency services and
14 forensic services to sexual assault survivors pursuant to a
15 sexual assault treatment plan or areawide sexual assault
16 treatment plan.

17 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09.)

18 Section 1020. The Consent by Minors to Medical Procedures
19 Act is amended by changing Section 3 as follows:

20 (410 ILCS 210/3) (from Ch. 111, par. 4503)

21 Sec. 3. (a) Where a hospital, a physician licensed to
22 practice medicine or surgery, an advanced practice nurse who
23 has a written collaborative agreement with a collaborating
24 physician that authorizes provision of services for minors, or

1 a physician assistant who has been delegated authority to
2 provide services for minors renders emergency treatment or
3 first aid or a licensed dentist renders emergency dental
4 treatment to a minor, consent of the minor's parent or legal
5 guardian need not be obtained if, in the sole opinion of the
6 physician, advanced practice nurse, physician assistant,
7 dentist, or hospital, the obtaining of consent is not
8 reasonably feasible under the circumstances without adversely
9 affecting the condition of such minor's health.

10 (b) Where a minor is the victim of a predatory criminal
11 sexual assault of a child, aggravated criminal sexual assault,
12 criminal sexual assault, aggravated criminal sexual abuse or
13 criminal sexual abuse, as provided in Sections 11-1.20 through
14 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961, as
15 now or hereafter amended, the consent of the minor's parent or
16 legal guardian need not be obtained to authorize a hospital,
17 physician, advanced practice nurse, physician assistant, or
18 other medical personnel to furnish medical care or counseling
19 related to the diagnosis or treatment of any disease or injury
20 arising from such offense. The minor may consent to such
21 counseling, diagnosis or treatment as if the minor had reached
22 his or her age of majority. Such consent shall not be voidable,
23 nor subject to later disaffirmance, because of minority.

24 (Source: P.A. 93-962, eff. 8-20-04.)

25 Section 1025. The Illinois Vehicle Code is amended by

1 changing Sections 6-106.1, 6-206, and 6-508 as follows:

2 (625 ILCS 5/6-106.1)

3 Sec. 6-106.1. School bus driver permit.

4 (a) The Secretary of State shall issue a school bus driver
5 permit to those applicants who have met all the requirements of
6 the application and screening process under this Section to
7 insure the welfare and safety of children who are transported
8 on school buses throughout the State of Illinois. Applicants
9 shall obtain the proper application required by the Secretary
10 of State from their prospective or current employer and submit
11 the completed application to the prospective or current
12 employer along with the necessary fingerprint submission as
13 required by the Department of State Police to conduct
14 fingerprint based criminal background checks on current and
15 future information available in the state system and current
16 information available through the Federal Bureau of
17 Investigation's system. Applicants who have completed the
18 fingerprinting requirements shall not be subjected to the
19 fingerprinting process when applying for subsequent permits or
20 submitting proof of successful completion of the annual
21 refresher course. Individuals who on the effective date of this
22 Act possess a valid school bus driver permit that has been
23 previously issued by the appropriate Regional School
24 Superintendent are not subject to the fingerprinting
25 provisions of this Section as long as the permit remains valid

1 and does not lapse. The applicant shall be required to pay all
2 related application and fingerprinting fees as established by
3 rule including, but not limited to, the amounts established by
4 the Department of State Police and the Federal Bureau of
5 Investigation to process fingerprint based criminal background
6 investigations. All fees paid for fingerprint processing
7 services under this Section shall be deposited into the State
8 Police Services Fund for the cost incurred in processing the
9 fingerprint based criminal background investigations. All
10 other fees paid under this Section shall be deposited into the
11 Road Fund for the purpose of defraying the costs of the
12 Secretary of State in administering this Section. All
13 applicants must:

- 14 1. be 21 years of age or older;
- 15 2. possess a valid and properly classified driver's
16 license issued by the Secretary of State;
- 17 3. possess a valid driver's license, which has not been
18 revoked, suspended, or canceled for 3 years immediately
19 prior to the date of application, or have not had his or
20 her commercial motor vehicle driving privileges
21 disqualified within the 3 years immediately prior to the
22 date of application;
- 23 4. successfully pass a written test, administered by
24 the Secretary of State, on school bus operation, school bus
25 safety, and special traffic laws relating to school buses
26 and submit to a review of the applicant's driving habits by

1 the Secretary of State at the time the written test is
2 given;

3 5. demonstrate ability to exercise reasonable care in
4 the operation of school buses in accordance with rules
5 promulgated by the Secretary of State;

6 6. demonstrate physical fitness to operate school
7 buses by submitting the results of a medical examination,
8 including tests for drug use for each applicant not subject
9 to such testing pursuant to federal law, conducted by a
10 licensed physician, an advanced practice nurse who has a
11 written collaborative agreement with a collaborating
12 physician which authorizes him or her to perform medical
13 examinations, or a physician assistant who has been
14 delegated the performance of medical examinations by his or
15 her supervising physician within 90 days of the date of
16 application according to standards promulgated by the
17 Secretary of State;

18 7. affirm under penalties of perjury that he or she has
19 not made a false statement or knowingly concealed a
20 material fact in any application for permit;

21 8. have completed an initial classroom course,
22 including first aid procedures, in school bus driver safety
23 as promulgated by the Secretary of State; and after
24 satisfactory completion of said initial course an annual
25 refresher course; such courses and the agency or
26 organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual
2 refresher course, shall result in cancellation of the
3 permit until such course is completed;

4 9. not have been convicted of 2 or more serious traffic
5 offenses, as defined by rule, within one year prior to the
6 date of application that may endanger the life or safety of
7 any of the driver's passengers within the duration of the
8 permit period;

9 10. not have been convicted of reckless driving,
10 aggravated reckless driving, driving while under the
11 influence of alcohol, other drug or drugs, intoxicating
12 compound or compounds or any combination thereof, or
13 reckless homicide resulting from the operation of a motor
14 vehicle within 3 years of the date of application;

15 11. not have been convicted of committing or attempting
16 to commit any one or more of the following offenses: (i)
17 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
18 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
19 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
21 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
22 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
23 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
24 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
25 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
26 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1,

1 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
2 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16,
3 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
4 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5,
5 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1,
6 33A-2, and 33D-1, and in subsection (b) of Section 8-1, and
7 in subsection (a) and subsection (b), clause (1), of
8 Section 12-4, and in subsection (A), clauses (a) and (b),
9 of Section 24-3, and those offenses contained in Article
10 29D of the Criminal Code of 1961; (ii) those offenses
11 defined in the Cannabis Control Act except those offenses
12 defined in subsections (a) and (b) of Section 4, and
13 subsection (a) of Section 5 of the Cannabis Control Act;
14 (iii) those offenses defined in the Illinois Controlled
15 Substances Act; (iv) those offenses defined in the
16 Methamphetamine Control and Community Protection Act; (v)
17 any offense committed or attempted in any other state or
18 against the laws of the United States, which if committed
19 or attempted in this State would be punishable as one or
20 more of the foregoing offenses; (vi) the offenses defined
21 in Section 4.1 and 5.1 of the Wrongs to Children Act or
22 Section 11-9.1A of the Criminal Code of 1961; (vii) those
23 offenses defined in Section 6-16 of the Liquor Control Act
24 of 1934; and (viii) those offenses defined in the
25 Methamphetamine Precursor Control Act; ;

26 12. not have been repeatedly involved as a driver in

1 motor vehicle collisions or been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree which indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 13. not have, through the unlawful operation of a motor
9 vehicle, caused an accident resulting in the death of any
10 person; and

11 14. not have, within the last 5 years, been adjudged to
12 be afflicted with or suffering from any mental disability
13 or disease.

14 (b) A school bus driver permit shall be valid for a period
15 specified by the Secretary of State as set forth by rule. It
16 shall be renewable upon compliance with subsection (a) of this
17 Section.

18 (c) A school bus driver permit shall contain the holder's
19 driver's license number, legal name, residence address, zip
20 code, social security number and date of birth, a brief
21 description of the holder and a space for signature. The
22 Secretary of State may require a suitable photograph of the
23 holder.

24 (d) The employer shall be responsible for conducting a
25 pre-employment interview with prospective school bus driver
26 candidates, distributing school bus driver applications and

1 medical forms to be completed by the applicant, and submitting
2 the applicant's fingerprint cards to the Department of State
3 Police that are required for the criminal background
4 investigations. The employer shall certify in writing to the
5 Secretary of State that all pre-employment conditions have been
6 successfully completed including the successful completion of
7 an Illinois specific criminal background investigation through
8 the Department of State Police and the submission of necessary
9 fingerprints to the Federal Bureau of Investigation for
10 criminal history information available through the Federal
11 Bureau of Investigation system. The applicant shall present the
12 certification to the Secretary of State at the time of
13 submitting the school bus driver permit application.

14 (e) Permits shall initially be provisional upon receiving
15 certification from the employer that all pre-employment
16 conditions have been successfully completed, and upon
17 successful completion of all training and examination
18 requirements for the classification of the vehicle to be
19 operated, the Secretary of State shall provisionally issue a
20 School Bus Driver Permit. The permit shall remain in a
21 provisional status pending the completion of the Federal Bureau
22 of Investigation's criminal background investigation based
23 upon fingerprinting specimens submitted to the Federal Bureau
24 of Investigation by the Department of State Police. The Federal
25 Bureau of Investigation shall report the findings directly to
26 the Secretary of State. The Secretary of State shall remove the

1 bus driver permit from provisional status upon the applicant's
2 successful completion of the Federal Bureau of Investigation's
3 criminal background investigation.

4 (f) A school bus driver permit holder shall notify the
5 employer and the Secretary of State if he or she is convicted
6 in another state of an offense that would make him or her
7 ineligible for a permit under subsection (a) of this Section.
8 The written notification shall be made within 5 days of the
9 entry of the conviction. Failure of the permit holder to
10 provide the notification is punishable as a petty offense for a
11 first violation and a Class B misdemeanor for a second or
12 subsequent violation.

13 (g) Cancellation; suspension; notice and procedure.

14 (1) The Secretary of State shall cancel a school bus
15 driver permit of an applicant whose criminal background
16 investigation discloses that he or she is not in compliance
17 with the provisions of subsection (a) of this Section.

18 (2) The Secretary of State shall cancel a school bus
19 driver permit when he or she receives notice that the
20 permit holder fails to comply with any provision of this
21 Section or any rule promulgated for the administration of
22 this Section.

23 (3) The Secretary of State shall cancel a school bus
24 driver permit if the permit holder's restricted commercial
25 or commercial driving privileges are withdrawn or
26 otherwise invalidated.

1 (4) The Secretary of State may not issue a school bus
2 driver permit for a period of 3 years to an applicant who
3 fails to obtain a negative result on a drug test as
4 required in item 6 of subsection (a) of this Section or
5 under federal law.

6 (5) The Secretary of State shall forthwith suspend a
7 school bus driver permit for a period of 3 years upon
8 receiving notice that the holder has failed to obtain a
9 negative result on a drug test as required in item 6 of
10 subsection (a) of this Section or under federal law.

11 (6) The Secretary of State shall suspend a school bus
12 driver permit for a period of 3 years upon receiving notice
13 from the employer that the holder failed to perform the
14 inspection procedure set forth in subsection (a) or (b) of
15 Section 12-816 of this Code.

16 The Secretary of State shall notify the State
17 Superintendent of Education and the permit holder's
18 prospective or current employer that the applicant has (1) has
19 failed a criminal background investigation or (2) is no longer
20 eligible for a school bus driver permit; and of the related
21 cancellation of the applicant's provisional school bus driver
22 permit. The cancellation shall remain in effect pending the
23 outcome of a hearing pursuant to Section 2-118 of this Code.
24 The scope of the hearing shall be limited to the issuance
25 criteria contained in subsection (a) of this Section. A
26 petition requesting a hearing shall be submitted to the

1 Secretary of State and shall contain the reason the individual
2 feels he or she is entitled to a school bus driver permit. The
3 permit holder's employer shall notify in writing to the
4 Secretary of State that the employer has certified the removal
5 of the offending school bus driver from service prior to the
6 start of that school bus driver's next workshift. An employing
7 school board that fails to remove the offending school bus
8 driver from service is subject to the penalties defined in
9 Section 3-14.23 of the School Code. A school bus contractor who
10 violates a provision of this Section is subject to the
11 penalties defined in Section 6-106.11.

12 All valid school bus driver permits issued under this
13 Section prior to January 1, 1995, shall remain effective until
14 their expiration date unless otherwise invalidated.

15 (h) When a school bus driver permit holder who is a service
16 member is called to active duty, the employer of the permit
17 holder shall notify the Secretary of State, within 30 days of
18 notification from the permit holder, that the permit holder has
19 been called to active duty. Upon notification pursuant to this
20 subsection, (i) the Secretary of State shall characterize the
21 permit as inactive until a permit holder renews the permit as
22 provided in subsection (i) of this Section, and (ii) if a
23 permit holder fails to comply with the requirements of this
24 Section while called to active duty, the Secretary of State
25 shall not characterize the permit as invalid.

26 (i) A school bus driver permit holder who is a service

1 member returning from active duty must, within 90 days, renew a
2 permit characterized as inactive pursuant to subsection (h) of
3 this Section by complying with the renewal requirements of
4 subsection (b) of this Section.

5 (j) For purposes of subsections (h) and (i) of this
6 Section:

7 "Active duty" means active duty pursuant to an executive
8 order of the President of the United States, an act of the
9 Congress of the United States, or an order of the Governor.

10 "Service member" means a member of the Armed Services or
11 reserve forces of the United States or a member of the Illinois
12 National Guard.

13 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
14 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
15 7-22-10; revised 9-2-10.)

16 (625 ILCS 5/6-206)

17 (Text of Section before amendment by P.A. 96-1344)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; Right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon

1 conviction;

2 2. Has been convicted of not less than 3 offenses
3 against traffic regulations governing the movement of
4 vehicles committed within any 12 month period. No
5 revocation or suspension shall be entered more than 6
6 months after the date of last conviction;

7 3. Has been repeatedly involved as a driver in motor
8 vehicle collisions or has been repeatedly convicted of
9 offenses against laws and ordinances regulating the
10 movement of traffic, to a degree that indicates lack of
11 ability to exercise ordinary and reasonable care in the
12 safe operation of a motor vehicle or disrespect for the
13 traffic laws and the safety of other persons upon the
14 highway;

15 4. Has by the unlawful operation of a motor vehicle
16 caused or contributed to an accident resulting in injury
17 requiring immediate professional treatment in a medical
18 facility or doctor's office to any person, except that any
19 suspension or revocation imposed by the Secretary of State
20 under the provisions of this subsection shall start no
21 later than 6 months after being convicted of violating a
22 law or ordinance regulating the movement of traffic, which
23 violation is related to the accident, or shall start not
24 more than one year after the date of the accident,
25 whichever date occurs later;

26 5. Has permitted an unlawful or fraudulent use of a

1 driver's license, identification card, or permit;

2 6. Has been lawfully convicted of an offense or
3 offenses in another state, including the authorization
4 contained in Section 6-203.1, which if committed within
5 this State would be grounds for suspension or revocation;

6 7. Has refused or failed to submit to an examination
7 provided for by Section 6-207 or has failed to pass the
8 examination;

9 8. Is ineligible for a driver's license or permit under
10 the provisions of Section 6-103;

11 9. Has made a false statement or knowingly concealed a
12 material fact or has used false information or
13 identification in any application for a license,
14 identification card, or permit;

15 10. Has possessed, displayed, or attempted to
16 fraudulently use any license, identification card, or
17 permit not issued to the person;

18 11. Has operated a motor vehicle upon a highway of this
19 State when the person's driving privilege or privilege to
20 obtain a driver's license or permit was revoked or
21 suspended unless the operation was authorized by a
22 monitoring device driving permit, judicial driving permit
23 issued prior to January 1, 2009, probationary license to
24 drive, or a restricted driving permit issued under this
25 Code;

26 12. Has submitted to any portion of the application

1 process for another person or has obtained the services of
2 another person to submit to any portion of the application
3 process for the purpose of obtaining a license,
4 identification card, or permit for some other person;

5 13. Has operated a motor vehicle upon a highway of this
6 State when the person's driver's license or permit was
7 invalid under the provisions of Sections 6-107.1 and 6-110;

8 14. Has committed a violation of Section 6-301,
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
10 of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of the
12 Criminal Code of 1961 relating to criminal trespass to
13 vehicles in which case, the suspension shall be for one
14 year;

15 16. Has been convicted of violating Section 11-204 of
16 this Code relating to fleeing from a peace officer;

17 17. Has refused to submit to a test, or tests, as
18 required under Section 11-501.1 of this Code and the person
19 has not sought a hearing as provided for in Section
20 11-501.1;

21 18. Has, since issuance of a driver's license or
22 permit, been adjudged to be afflicted with or suffering
23 from any mental disability or disease;

24 19. Has committed a violation of paragraph (a) or (b)
25 of Section 6-101 relating to driving without a driver's
26 license;

1 20. Has been convicted of violating Section 6-104
2 relating to classification of driver's license;

3 21. Has been convicted of violating Section 11-402 of
4 this Code relating to leaving the scene of an accident
5 resulting in damage to a vehicle in excess of \$1,000, in
6 which case the suspension shall be for one year;

7 22. Has used a motor vehicle in violating paragraph
8 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
9 the Criminal Code of 1961 relating to unlawful use of
10 weapons, in which case the suspension shall be for one
11 year;

12 23. Has, as a driver, been convicted of committing a
13 violation of paragraph (a) of Section 11-502 of this Code
14 for a second or subsequent time within one year of a
15 similar violation;

16 24. Has been convicted by a court-martial or punished
17 by non-judicial punishment by military authorities of the
18 United States at a military installation in Illinois of or
19 for a traffic related offense that is the same as or
20 similar to an offense specified under Section 6-205 or
21 6-206 of this Code;

22 25. Has permitted any form of identification to be used
23 by another in the application process in order to obtain or
24 attempt to obtain a license, identification card, or
25 permit;

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. Has violated Section 6-16 of the Liquor Control Act
4 of 1934;

5 28. Has been convicted of the illegal possession, while
6 operating or in actual physical control, as a driver, of a
7 motor vehicle, of any controlled substance prohibited
8 under the Illinois Controlled Substances Act, any cannabis
9 prohibited under the Cannabis Control Act, or any
10 methamphetamine prohibited under the Methamphetamine
11 Control and Community Protection Act, in which case the
12 person's driving privileges shall be suspended for one
13 year, and any driver who is convicted of a second or
14 subsequent offense, within 5 years of a previous
15 conviction, for the illegal possession, while operating or
16 in actual physical control, as a driver, of a motor
17 vehicle, of any controlled substance prohibited under the
18 Illinois Controlled Substances Act, any cannabis
19 prohibited under the Cannabis Control Act, or any
20 methamphetamine prohibited under the Methamphetamine
21 Control and Community Protection Act shall be suspended for
22 5 years. Any defendant found guilty of this offense while
23 operating a motor vehicle, shall have an entry made in the
24 court record by the presiding judge that this offense did
25 occur while the defendant was operating a motor vehicle and
26 order the clerk of the court to report the violation to the

1 Secretary of State;

2 29. Has been convicted of the following offenses that
3 were committed while the person was operating or in actual
4 physical control, as a driver, of a motor vehicle: criminal
5 sexual assault, predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, criminal sexual
7 abuse, aggravated criminal sexual abuse, juvenile pimping,
8 soliciting for a juvenile prostitute, promoting juvenile
9 prostitution as described in subdivision (a)(1), (a)(2),
10 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
11 and the manufacture, sale or delivery of controlled
12 substances or instruments used for illegal drug use or
13 abuse in which case the driver's driving privileges shall
14 be suspended for one year;

15 30. Has been convicted a second or subsequent time for
16 any combination of the offenses named in paragraph 29 of
17 this subsection, in which case the person's driving
18 privileges shall be suspended for 5 years;

19 31. Has refused to submit to a test as required by
20 Section 11-501.6 or has submitted to a test resulting in an
21 alcohol concentration of 0.08 or more or any amount of a
22 drug, substance, or compound resulting from the unlawful
23 use or consumption of cannabis as listed in the Cannabis
24 Control Act, a controlled substance as listed in the
25 Illinois Controlled Substances Act, an intoxicating
26 compound as listed in the Use of Intoxicating Compounds

1 Act, or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act, in which case the
3 penalty shall be as prescribed in Section 6-208.1;

4 32. Has been convicted of Section 24-1.2 of the
5 Criminal Code of 1961 relating to the aggravated discharge
6 of a firearm if the offender was located in a motor vehicle
7 at the time the firearm was discharged, in which case the
8 suspension shall be for 3 years;

9 33. Has as a driver, who was less than 21 years of age
10 on the date of the offense, been convicted a first time of
11 a violation of paragraph (a) of Section 11-502 of this Code
12 or a similar provision of a local ordinance;

13 34. Has committed a violation of Section 11-1301.5 of
14 this Code;

15 35. Has committed a violation of Section 11-1301.6 of
16 this Code;

17 36. Is under the age of 21 years at the time of arrest
18 and has been convicted of not less than 2 offenses against
19 traffic regulations governing the movement of vehicles
20 committed within any 24 month period. No revocation or
21 suspension shall be entered more than 6 months after the
22 date of last conviction;

23 37. Has committed a violation of subsection (c) of
24 Section 11-907 of this Code that resulted in damage to the
25 property of another or the death or injury of another;

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance;

3 39. Has committed a second or subsequent violation of
4 Section 11-1201 of this Code;

5 40. Has committed a violation of subsection (a-1) of
6 Section 11-908 of this Code;

7 41. Has committed a second or subsequent violation of
8 Section 11-605.1 of this Code within 2 years of the date of
9 the previous violation, in which case the suspension shall
10 be for 90 days;

11 42. Has committed a violation of subsection (a-1) of
12 Section 11-1301.3 of this Code;

13 43. Has received a disposition of court supervision for
14 a violation of subsection (a), (d), or (e) of Section 6-20
15 of the Liquor Control Act of 1934 or a similar provision of
16 a local ordinance, in which case the suspension shall be
17 for a period of 3 months;

18 44. Is under the age of 21 years at the time of arrest
19 and has been convicted of an offense against traffic
20 regulations governing the movement of vehicles after
21 having previously had his or her driving privileges
22 suspended or revoked pursuant to subparagraph 36 of this
23 Section; or

24 45. Has, in connection with or during the course of a
25 formal hearing conducted under Section 2-118 of this Code:
26 (i) committed perjury; (ii) submitted fraudulent or

1 falsified documents; (iii) submitted documents that have
2 been materially altered; or (iv) submitted, as his or her
3 own, documents that were in fact prepared or composed for
4 another person.

5 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
6 and 27 of this subsection, license means any driver's license,
7 any traffic ticket issued when the person's driver's license is
8 deposited in lieu of bail, a suspension notice issued by the
9 Secretary of State, a duplicate or corrected driver's license,
10 a probationary driver's license or a temporary driver's
11 license.

12 (b) If any conviction forming the basis of a suspension or
13 revocation authorized under this Section is appealed, the
14 Secretary of State may rescind or withhold the entry of the
15 order of suspension or revocation, as the case may be, provided
16 that a certified copy of a stay order of a court is filed with
17 the Secretary of State. If the conviction is affirmed on
18 appeal, the date of the conviction shall relate back to the
19 time the original judgment of conviction was entered and the 6
20 month limitation prescribed shall not apply.

21 (c) 1. Upon suspending or revoking the driver's license or
22 permit of any person as authorized in this Section, the
23 Secretary of State shall immediately notify the person in
24 writing of the revocation or suspension. The notice to be
25 deposited in the United States mail, postage prepaid, to the
26 last known address of the person.

1 2. If the Secretary of State suspends the driver's
2 license of a person under subsection 2 of paragraph (a) of
3 this Section, a person's privilege to operate a vehicle as
4 an occupation shall not be suspended, provided an affidavit
5 is properly completed, the appropriate fee received, and a
6 permit issued prior to the effective date of the
7 suspension, unless 5 offenses were committed, at least 2 of
8 which occurred while operating a commercial vehicle in
9 connection with the driver's regular occupation. All other
10 driving privileges shall be suspended by the Secretary of
11 State. Any driver prior to operating a vehicle for
12 occupational purposes only must submit the affidavit on
13 forms to be provided by the Secretary of State setting
14 forth the facts of the person's occupation. The affidavit
15 shall also state the number of offenses committed while
16 operating a vehicle in connection with the driver's regular
17 occupation. The affidavit shall be accompanied by the
18 driver's license. Upon receipt of a properly completed
19 affidavit, the Secretary of State shall issue the driver a
20 permit to operate a vehicle in connection with the driver's
21 regular occupation only. Unless the permit is issued by the
22 Secretary of State prior to the date of suspension, the
23 privilege to drive any motor vehicle shall be suspended as
24 set forth in the notice that was mailed under this Section.
25 If an affidavit is received subsequent to the effective
26 date of this suspension, a permit may be issued for the

1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to
3 any driver required to possess a CDL for the purpose of
4 operating a commercial motor vehicle.

5 Any person who falsely states any fact in the affidavit
6 required herein shall be guilty of perjury under Section
7 6-302 and upon conviction thereof shall have all driving
8 privileges revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118
10 of this Code, the Secretary of State shall either rescind
11 or continue an order of revocation or shall substitute an
12 order of suspension; or, good cause appearing therefor,
13 rescind, continue, change, or extend the order of
14 suspension. If the Secretary of State does not rescind the
15 order, the Secretary may upon application, to relieve undue
16 hardship (as defined by the rules of the Secretary of
17 State), issue a restricted driving permit granting the
18 privilege of driving a motor vehicle between the
19 petitioner's residence and petitioner's place of
20 employment or within the scope of the petitioner's
21 employment related duties, or to allow the petitioner to
22 transport himself or herself, or a family member of the
23 petitioner's household to a medical facility, to receive
24 necessary medical care, to allow the petitioner to
25 transport himself or herself to and from alcohol or drug
26 remedial or rehabilitative activity recommended by a

1 licensed service provider, or to allow the petitioner to
2 transport himself or herself or a family member of the
3 petitioner's household to classes, as a student, at an
4 accredited educational institution, or to allow the
5 petitioner to transport children, elderly persons, or
6 disabled persons who do not hold driving privileges and are
7 living in the petitioner's household to and from daycare.
8 The petitioner must demonstrate that no alternative means
9 of transportation is reasonably available and that the
10 petitioner will not endanger the public safety or welfare.
11 Those multiple offenders identified in subdivision (b)4 of
12 Section 6-208 of this Code, however, shall not be eligible
13 for the issuance of a restricted driving permit.

14 (A) If a person's license or permit is revoked or
15 suspended due to 2 or more convictions of violating
16 Section 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense, or
18 Section 9-3 of the Criminal Code of 1961, where the use
19 of alcohol or other drugs is recited as an element of
20 the offense, or a similar out-of-state offense, or a
21 combination of these offenses, arising out of separate
22 occurrences, that person, if issued a restricted
23 driving permit, may not operate a vehicle unless it has
24 been equipped with an ignition interlock device as
25 defined in Section 1-129.1.

26 (B) If a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due
2 to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense
6 or Section 9-3 of the Criminal Code of 1961, where
7 the use of alcohol or other drugs is recited as an
8 element of the offense, or a similar out-of-state
9 offense; or

10 (ii) a statutory summary suspension under
11 Section 11-501.1; or

12 (iii) a suspension under Section 6-203.1;
13 arising out of separate occurrences; that person, if
14 issued a restricted driving permit, may not operate a
15 vehicle unless it has been equipped with an ignition
16 interlock device as defined in Section 1-129.1.

17 (C) The person issued a permit conditioned upon the
18 use of an ignition interlock device must pay to the
19 Secretary of State DUI Administration Fund an amount
20 not to exceed \$30 per month. The Secretary shall
21 establish by rule the amount and the procedures, terms,
22 and conditions relating to these fees.

23 (D) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against
25 operating a motor vehicle that is not equipped with an
26 ignition interlock device does not apply to the

1 operation of an occupational vehicle owned or leased by
2 that person's employer when used solely for employment
3 purposes.

4 (E) In each case the Secretary may issue a
5 restricted driving permit for a period deemed
6 appropriate, except that all permits shall expire
7 within one year from the date of issuance. The
8 Secretary may not, however, issue a restricted driving
9 permit to any person whose current revocation is the
10 result of a second or subsequent conviction for a
11 violation of Section 11-501 of this Code or a similar
12 provision of a local ordinance or any similar
13 out-of-state offense, or Section 9-3 of the Criminal
14 Code of 1961, where the use of alcohol or other drugs
15 is recited as an element of the offense, or any similar
16 out-of-state offense, or any combination of those
17 offenses, until the expiration of at least one year
18 from the date of the revocation. A restricted driving
19 permit issued under this Section shall be subject to
20 cancellation, revocation, and suspension by the
21 Secretary of State in like manner and for like cause as
22 a driver's license issued under this Code may be
23 cancelled, revoked, or suspended; except that a
24 conviction upon one or more offenses against laws or
25 ordinances regulating the movement of traffic shall be
26 deemed sufficient cause for the revocation,

1 suspension, or cancellation of a restricted driving
2 permit. The Secretary of State may, as a condition to
3 the issuance of a restricted driving permit, require
4 the applicant to participate in a designated driver
5 remedial or rehabilitative program. The Secretary of
6 State is authorized to cancel a restricted driving
7 permit if the permit holder does not successfully
8 complete the program.

9 (c-3) In the case of a suspension under paragraph 43 of
10 subsection (a), reports received by the Secretary of State
11 under this Section shall, except during the actual time the
12 suspension is in effect, be privileged information and for use
13 only by the courts, police officers, prosecuting authorities,
14 the driver licensing administrator of any other state, the
15 Secretary of State, or the parent or legal guardian of a driver
16 under the age of 18. However, beginning January 1, 2008, if the
17 person is a CDL holder, the suspension shall also be made
18 available to the driver licensing administrator of any other
19 state, the U.S. Department of Transportation, and the affected
20 driver or motor carrier or prospective motor carrier upon
21 request.

22 (c-4) In the case of a suspension under paragraph 43 of
23 subsection (a), the Secretary of State shall notify the person
24 by mail that his or her driving privileges and driver's license
25 will be suspended one month after the date of the mailing of
26 the notice.

1 (c-5) The Secretary of State may, as a condition of the
2 reissuance of a driver's license or permit to an applicant
3 whose driver's license or permit has been suspended before he
4 or she reached the age of 21 years pursuant to any of the
5 provisions of this Section, require the applicant to
6 participate in a driver remedial education course and be
7 retested under Section 6-109 of this Code.

8 (d) This Section is subject to the provisions of the
9 Drivers License Compact.

10 (e) The Secretary of State shall not issue a restricted
11 driving permit to a person under the age of 16 years whose
12 driving privileges have been suspended or revoked under any
13 provisions of this Code.

14 (f) In accordance with 49 C.F.R. 384, the Secretary of
15 State may not issue a restricted driving permit for the
16 operation of a commercial motor vehicle to a person holding a
17 CDL whose driving privileges have been suspended, revoked,
18 cancelled, or disqualified under any provisions of this Code.

19 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
20 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
21 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
22 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
23 96-1305, eff. 1-1-11; revised 9-2-10.)

24 (Text of Section after amendment by P.A. 96-1344)

25 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

2 (a) The Secretary of State is authorized to suspend or
3 revoke the driving privileges of any person without preliminary
4 hearing upon a showing of the person's records or other
5 sufficient evidence that the person:

6 1. Has committed an offense for which mandatory
7 revocation of a driver's license or permit is required upon
8 conviction;

9 2. Has been convicted of not less than 3 offenses
10 against traffic regulations governing the movement of
11 vehicles committed within any 12 month period. No
12 revocation or suspension shall be entered more than 6
13 months after the date of last conviction;

14 3. Has been repeatedly involved as a driver in motor
15 vehicle collisions or has been repeatedly convicted of
16 offenses against laws and ordinances regulating the
17 movement of traffic, to a degree that indicates lack of
18 ability to exercise ordinary and reasonable care in the
19 safe operation of a motor vehicle or disrespect for the
20 traffic laws and the safety of other persons upon the
21 highway;

22 4. Has by the unlawful operation of a motor vehicle
23 caused or contributed to an accident resulting in injury
24 requiring immediate professional treatment in a medical
25 facility or doctor's office to any person, except that any
26 suspension or revocation imposed by the Secretary of State

1 under the provisions of this subsection shall start no
2 later than 6 months after being convicted of violating a
3 law or ordinance regulating the movement of traffic, which
4 violation is related to the accident, or shall start not
5 more than one year after the date of the accident,
6 whichever date occurs later;

7 5. Has permitted an unlawful or fraudulent use of a
8 driver's license, identification card, or permit;

9 6. Has been lawfully convicted of an offense or
10 offenses in another state, including the authorization
11 contained in Section 6-203.1, which if committed within
12 this State would be grounds for suspension or revocation;

13 7. Has refused or failed to submit to an examination
14 provided for by Section 6-207 or has failed to pass the
15 examination;

16 8. Is ineligible for a driver's license or permit under
17 the provisions of Section 6-103;

18 9. Has made a false statement or knowingly concealed a
19 material fact or has used false information or
20 identification in any application for a license,
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to
23 fraudulently use any license, identification card, or
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of this
26 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or
2 suspended unless the operation was authorized by a
3 monitoring device driving permit, judicial driving permit
4 issued prior to January 1, 2009, probationary license to
5 drive, or a restricted driving permit issued under this
6 Code;

7 12. Has submitted to any portion of the application
8 process for another person or has obtained the services of
9 another person to submit to any portion of the application
10 process for the purpose of obtaining a license,
11 identification card, or permit for some other person;

12 13. Has operated a motor vehicle upon a highway of this
13 State when the person's driver's license or permit was
14 invalid under the provisions of Sections 6-107.1 and 6-110;

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
17 of the Illinois Identification Card Act;

18 15. Has been convicted of violating Section 21-2 of the
19 Criminal Code of 1961 relating to criminal trespass to
20 vehicles in which case, the suspension shall be for one
21 year;

22 16. Has been convicted of violating Section 11-204 of
23 this Code relating to fleeing from a peace officer;

24 17. Has refused to submit to a test, or tests, as
25 required under Section 11-501.1 of this Code and the person
26 has not sought a hearing as provided for in Section

1 11-501.1;

2 18. Has, since issuance of a driver's license or
3 permit, been adjudged to be afflicted with or suffering
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)
6 of Section 6-101 relating to driving without a driver's
7 license;

8 20. Has been convicted of violating Section 6-104
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of
11 this Code relating to leaving the scene of an accident
12 resulting in damage to a vehicle in excess of \$1,000, in
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 relating to unlawful use of
17 weapons, in which case the suspension shall be for one
18 year;

19 23. Has, as a driver, been convicted of committing a
20 violation of paragraph (a) of Section 11-502 of this Code
21 for a second or subsequent time within one year of a
22 similar violation;

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or

1 similar to an offense specified under Section 6-205 or
2 6-206 of this Code;

3 25. Has permitted any form of identification to be used
4 by another in the application process in order to obtain or
5 attempt to obtain a license, identification card, or
6 permit;

7 26. Has altered or attempted to alter a license or has
8 possessed an altered license, identification card, or
9 permit;

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

12 28. Has been convicted of the illegal possession, while
13 operating or in actual physical control, as a driver, of a
14 motor vehicle, of any controlled substance prohibited
15 under the Illinois Controlled Substances Act, any cannabis
16 prohibited under the Cannabis Control Act, or any
17 methamphetamine prohibited under the Methamphetamine
18 Control and Community Protection Act, in which case the
19 person's driving privileges shall be suspended for one
20 year, and any driver who is convicted of a second or
21 subsequent offense, within 5 years of a previous
22 conviction, for the illegal possession, while operating or
23 in actual physical control, as a driver, of a motor
24 vehicle, of any controlled substance prohibited under the
25 Illinois Controlled Substances Act, any cannabis
26 prohibited under the Cannabis Control Act, or any

1 methamphetamine prohibited under the Methamphetamine
2 Control and Community Protection Act shall be suspended for
3 5 years. Any defendant found guilty of this offense while
4 operating a motor vehicle, shall have an entry made in the
5 court record by the presiding judge that this offense did
6 occur while the defendant was operating a motor vehicle and
7 order the clerk of the court to report the violation to the
8 Secretary of State;

9 29. Has been convicted of the following offenses that
10 were committed while the person was operating or in actual
11 physical control, as a driver, of a motor vehicle: criminal
12 sexual assault, predatory criminal sexual assault of a
13 child, aggravated criminal sexual assault, criminal sexual
14 abuse, aggravated criminal sexual abuse, juvenile pimping,
15 soliciting for a juvenile prostitute, promoting juvenile
16 prostitution as described in subdivision (a)(1), (a)(2),
17 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
18 and the manufacture, sale or delivery of controlled
19 substances or instruments used for illegal drug use or
20 abuse in which case the driver's driving privileges shall
21 be suspended for one year;

22 30. Has been convicted a second or subsequent time for
23 any combination of the offenses named in paragraph 29 of
24 this subsection, in which case the person's driving
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an
2 alcohol concentration of 0.08 or more or any amount of a
3 drug, substance, or compound resulting from the unlawful
4 use or consumption of cannabis as listed in the Cannabis
5 Control Act, a controlled substance as listed in the
6 Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 relating to the aggravated discharge
13 of a firearm if the offender was located in a motor vehicle
14 at the time the firearm was discharged, in which case the
15 suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of age
17 on the date of the offense, been convicted a first time of
18 a violation of paragraph (a) of Section 11-502 of this Code
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of
23 this Code;

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of
5 Section 11-907 of this Code that resulted in damage to the
6 property of another or the death or injury of another;

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance;

10 39. Has committed a second or subsequent violation of
11 Section 11-1201 of this Code;

12 40. Has committed a violation of subsection (a-1) of
13 Section 11-908 of this Code;

14 41. Has committed a second or subsequent violation of
15 Section 11-605.1 of this Code within 2 years of the date of
16 the previous violation, in which case the suspension shall
17 be for 90 days;

18 42. Has committed a violation of subsection (a-1) of
19 Section 11-1301.3 of this Code;

20 43. Has received a disposition of court supervision for
21 a violation of subsection (a), (d), or (e) of Section 6-20
22 of the Liquor Control Act of 1934 or a similar provision of
23 a local ordinance, in which case the suspension shall be
24 for a period of 3 months;

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section; or

5 45. Has, in connection with or during the course of a
6 formal hearing conducted under Section 2-118 of this Code:
7 (i) committed perjury; (ii) submitted fraudulent or
8 falsified documents; (iii) submitted documents that have
9 been materially altered; or (iv) submitted, as his or her
10 own, documents that were in fact prepared or composed for
11 another person.

12 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
13 and 27 of this subsection, license means any driver's license,
14 any traffic ticket issued when the person's driver's license is
15 deposited in lieu of bail, a suspension notice issued by the
16 Secretary of State, a duplicate or corrected driver's license,
17 a probationary driver's license or a temporary driver's
18 license.

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or
3 permit of any person as authorized in this Section, the
4 Secretary of State shall immediately notify the person in
5 writing of the revocation or suspension. The notice to be
6 deposited in the United States mail, postage prepaid, to the
7 last known address of the person.

8 2. If the Secretary of State suspends the driver's
9 license of a person under subsection 2 of paragraph (a) of
10 this Section, a person's privilege to operate a vehicle as
11 an occupation shall not be suspended, provided an affidavit
12 is properly completed, the appropriate fee received, and a
13 permit issued prior to the effective date of the
14 suspension, unless 5 offenses were committed, at least 2 of
15 which occurred while operating a commercial vehicle in
16 connection with the driver's regular occupation. All other
17 driving privileges shall be suspended by the Secretary of
18 State. Any driver prior to operating a vehicle for
19 occupational purposes only must submit the affidavit on
20 forms to be provided by the Secretary of State setting
21 forth the facts of the person's occupation. The affidavit
22 shall also state the number of offenses committed while
23 operating a vehicle in connection with the driver's regular
24 occupation. The affidavit shall be accompanied by the
25 driver's license. Upon receipt of a properly completed
26 affidavit, the Secretary of State shall issue the driver a

1 permit to operate a vehicle in connection with the driver's
2 regular occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as
5 set forth in the notice that was mailed under this Section.
6 If an affidavit is received subsequent to the effective
7 date of this suspension, a permit may be issued for the
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

1 employment or within the scope of the petitioner's
2 employment related duties, or to allow the petitioner to
3 transport himself or herself, or a family member of the
4 petitioner's household to a medical facility, to receive
5 necessary medical care, to allow the petitioner to
6 transport himself or herself to and from alcohol or drug
7 remedial or rehabilitative activity recommended by a
8 licensed service provider, or to allow the petitioner to
9 transport himself or herself or a family member of the
10 petitioner's household to classes, as a student, at an
11 accredited educational institution, or to allow the
12 petitioner to transport children, elderly persons, or
13 disabled persons who do not hold driving privileges and are
14 living in the petitioner's household to and from daycare.
15 The petitioner must demonstrate that no alternative means
16 of transportation is reasonably available and that the
17 petitioner will not endanger the public safety or welfare.
18 Those multiple offenders identified in subdivision (b)4 of
19 Section 6-208 of this Code, however, shall not be eligible
20 for the issuance of a restricted driving permit.

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, or
25 Section 9-3 of the Criminal Code of 1961, where the use
26 of alcohol or other drugs is recited as an element of

1 the offense, or a similar out-of-state offense, or a
2 combination of these offenses, arising out of separate
3 occurrences, that person, if issued a restricted
4 driving permit, may not operate a vehicle unless it has
5 been equipped with an ignition interlock device as
6 defined in Section 1-129.1.

7 (B) If a person's license or permit is revoked or
8 suspended 2 or more times within a 10 year period due
9 to any combination of:

10 (i) a single conviction of violating Section
11 11-501 of this Code or a similar provision of a
12 local ordinance or a similar out-of-state offense
13 or Section 9-3 of the Criminal Code of 1961, where
14 the use of alcohol or other drugs is recited as an
15 element of the offense, or a similar out-of-state
16 offense; or

17 (ii) a statutory summary suspension or
18 revocation under Section 11-501.1; or

19 (iii) a suspension under Section 6-203.1;
20 arising out of separate occurrences; that person, if
21 issued a restricted driving permit, may not operate a
22 vehicle unless it has been equipped with an ignition
23 interlock device as defined in Section 1-129.1.

24 (C) The person issued a permit conditioned upon the
25 use of an ignition interlock device must pay to the
26 Secretary of State DUI Administration Fund an amount

1 not to exceed \$30 per month. The Secretary shall
2 establish by rule the amount and the procedures, terms,
3 and conditions relating to these fees.

4 (D) If the restricted driving permit is issued for
5 employment purposes, then the prohibition against
6 operating a motor vehicle that is not equipped with an
7 ignition interlock device does not apply to the
8 operation of an occupational vehicle owned or leased by
9 that person's employer when used solely for employment
10 purposes.

11 (E) In each case the Secretary may issue a
12 restricted driving permit for a period deemed
13 appropriate, except that all permits shall expire
14 within one year from the date of issuance. The
15 Secretary may not, however, issue a restricted driving
16 permit to any person whose current revocation is the
17 result of a second or subsequent conviction for a
18 violation of Section 11-501 of this Code or a similar
19 provision of a local ordinance or any similar
20 out-of-state offense, or Section 9-3 of the Criminal
21 Code of 1961, where the use of alcohol or other drugs
22 is recited as an element of the offense, or any similar
23 out-of-state offense, or any combination of those
24 offenses, until the expiration of at least one year
25 from the date of the revocation. A restricted driving
26 permit issued under this Section shall be subject to

1 cancellation, revocation, and suspension by the
2 Secretary of State in like manner and for like cause as
3 a driver's license issued under this Code may be
4 cancelled, revoked, or suspended; except that a
5 conviction upon one or more offenses against laws or
6 ordinances regulating the movement of traffic shall be
7 deemed sufficient cause for the revocation,
8 suspension, or cancellation of a restricted driving
9 permit. The Secretary of State may, as a condition to
10 the issuance of a restricted driving permit, require
11 the applicant to participate in a designated driver
12 remedial or rehabilitative program. The Secretary of
13 State is authorized to cancel a restricted driving
14 permit if the permit holder does not successfully
15 complete the program.

16 (c-3) In the case of a suspension under paragraph 43 of
17 subsection (a), reports received by the Secretary of State
18 under this Section shall, except during the actual time the
19 suspension is in effect, be privileged information and for use
20 only by the courts, police officers, prosecuting authorities,
21 the driver licensing administrator of any other state, the
22 Secretary of State, or the parent or legal guardian of a driver
23 under the age of 18. However, beginning January 1, 2008, if the
24 person is a CDL holder, the suspension shall also be made
25 available to the driver licensing administrator of any other
26 state, the U.S. Department of Transportation, and the affected

1 driver or motor carrier or prospective motor carrier upon
2 request.

3 (c-4) In the case of a suspension under paragraph 43 of
4 subsection (a), the Secretary of State shall notify the person
5 by mail that his or her driving privileges and driver's license
6 will be suspended one month after the date of the mailing of
7 the notice.

8 (c-5) The Secretary of State may, as a condition of the
9 reissuance of a driver's license or permit to an applicant
10 whose driver's license or permit has been suspended before he
11 or she reached the age of 21 years pursuant to any of the
12 provisions of this Section, require the applicant to
13 participate in a driver remedial education course and be
14 retested under Section 6-109 of this Code.

15 (d) This Section is subject to the provisions of the
16 Drivers License Compact.

17 (e) The Secretary of State shall not issue a restricted
18 driving permit to a person under the age of 16 years whose
19 driving privileges have been suspended or revoked under any
20 provisions of this Code.

21 (f) In accordance with 49 C.F.R. 384, the Secretary of
22 State may not issue a restricted driving permit for the
23 operation of a commercial motor vehicle to a person holding a
24 CDL whose driving privileges have been suspended, revoked,
25 cancelled, or disqualified under any provisions of this Code.

26 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,

1 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
2 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
3 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;
4 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

5 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

6 Sec. 6-508. Commercial Driver's License (CDL) -
7 qualification standards.

8 (a) Testing.

9 (1) General. No person shall be issued an original or
10 renewal CDL unless that person is domiciled in this State.
11 The Secretary shall cause to be administered such tests as
12 the Secretary deems necessary to meet the requirements of
13 49 C.F.R. Part 383, subparts F, G, H, and J.

14 (2) Third party testing. The Secretary of state may
15 authorize a "third party tester", pursuant to 49 C.F.R.
16 Part 383.75, to administer the skills test or tests
17 specified by Federal Motor Carrier Safety Administration
18 pursuant to the Commercial Motor Vehicle Safety Act of 1986
19 and any appropriate federal rule.

20 (b) Waiver of Skills Test. The Secretary of State may waive
21 the skills test specified in this Section for a driver
22 applicant for a commercial driver license who meets the
23 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

24 (c) Limitations on issuance of a CDL. A CDL, or a
25 commercial driver instruction permit, shall not be issued to a

1 person while the person is subject to a disqualification from
2 driving a commercial motor vehicle, or unless otherwise
3 permitted by this Code, while the person's driver's license is
4 suspended, revoked or cancelled in any state, or any territory
5 or province of Canada; nor may a CDL be issued to a person who
6 has a CDL issued by any other state, or foreign jurisdiction,
7 unless the person first surrenders all such licenses. No CDL
8 shall be issued to or renewed for a person who does not meet
9 the requirement of 49 CFR 391.41(b)(11). The requirement may be
10 met with the aid of a hearing aid.

11 (c-1) The Secretary may issue a CDL with a school bus
12 driver endorsement to allow a person to drive the type of bus
13 described in subsection (d-5) of Section 6-104 of this Code.
14 The CDL with a school bus driver endorsement may be issued only
15 to a person meeting the following requirements:

16 (1) the person has submitted his or her fingerprints to
17 the Department of State Police in the form and manner
18 prescribed by the Department of State Police. These
19 fingerprints shall be checked against the fingerprint
20 records now and hereafter filed in the Department of State
21 Police and Federal Bureau of Investigation criminal
22 history records databases;

23 (2) the person has passed a written test, administered
24 by the Secretary of State, on charter bus operation,
25 charter bus safety, and certain special traffic laws
26 relating to school buses determined by the Secretary of

1 State to be relevant to charter buses, and submitted to a
2 review of the driver applicant's driving habits by the
3 Secretary of State at the time the written test is given;

4 (3) the person has demonstrated physical fitness to
5 operate school buses by submitting the results of a medical
6 examination, including tests for drug use; and

7 (4) the person has not been convicted of committing or
8 attempting to commit any one or more of the following
9 offenses: (i) those offenses defined in Sections 8-1.2,
10 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
11 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
12 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
13 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
14 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
15 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
16 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
17 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
18 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
19 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,
20 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
21 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
22 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
23 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
24 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of
25 Section 8-1, and in subsection (a) and subsection (b),
26 clause (1), of Section 12-4, and in subsection (A), clauses

1 (a) and (b), of Section 24-3, and those offenses contained
2 in Article 29D of the Criminal Code of 1961; (ii) those
3 offenses defined in the Cannabis Control Act except those
4 offenses defined in subsections (a) and (b) of Section 4,
5 and subsection (a) of Section 5 of the Cannabis Control
6 Act; (iii) those offenses defined in the Illinois
7 Controlled Substances Act; (iv) those offenses defined in
8 the Methamphetamine Control and Community Protection Act;
9 (v) any offense committed or attempted in any other state
10 or against the laws of the United States, which if
11 committed or attempted in this State would be punishable as
12 one or more of the foregoing offenses; (vi) the offenses
13 defined in Sections 4.1 and 5.1 of the Wrongs to Children
14 Act or Section 11-9.1A of the Criminal Code of 1961; (vii)
15 those offenses defined in Section 6-16 of the Liquor
16 Control Act of 1934; and (viii) those offenses defined in
17 the Methamphetamine Precursor Control Act.

18 The Department of State Police shall charge a fee for
19 conducting the criminal history records check, which shall be
20 deposited into the State Police Services Fund and may not
21 exceed the actual cost of the records check.

22 (c-2) The Secretary shall issue a CDL with a school bus
23 endorsement to allow a person to drive a school bus as defined
24 in this Section. The CDL shall be issued according to the
25 requirements outlined in 49 C.F.R. 383. A person may not
26 operate a school bus as defined in this Section without a

1 school bus endorsement. The Secretary of State may adopt rules
2 consistent with Federal guidelines to implement this
3 subsection (c-2).

4 (d) Commercial driver instruction permit. A commercial
5 driver instruction permit may be issued to any person holding a
6 valid Illinois driver's license if such person successfully
7 passes such tests as the Secretary determines to be necessary.
8 A commercial driver instruction permit shall not be issued to a
9 person who does not meet the requirements of 49 CFR 391.41
10 (b)(11), except for the renewal of a commercial driver
11 instruction permit for a person who possesses a commercial
12 instruction permit prior to the effective date of this
13 amendatory Act of 1999.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;
15 96-1182, eff. 7-22-10.)

16 Section 1030. The Juvenile Court Act of 1987 is amended by
17 changing Sections 1-8, 2-17, 2-25, 3-19, 3-26, 4-16, 4-23,
18 5-170, and 5-730 as follows:

19 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

20 Sec. 1-8. Confidentiality and accessibility of juvenile
21 court records.

22 (A) Inspection and copying of juvenile court records
23 relating to a minor who is the subject of a proceeding under
24 this Act shall be restricted to the following:

1 (1) The minor who is the subject of record, his
2 parents, guardian and counsel.

3 (2) Law enforcement officers and law enforcement
4 agencies when such information is essential to executing an
5 arrest or search warrant or other compulsory process, or to
6 conducting an ongoing investigation or relating to a minor
7 who has been adjudicated delinquent and there has been a
8 previous finding that the act which constitutes the
9 previous offense was committed in furtherance of criminal
10 activities by a criminal street gang.

11 Before July 1, 1994, for the purposes of this Section,
12 "criminal street gang" means any ongoing organization,
13 association, or group of 3 or more persons, whether formal
14 or informal, having as one of its primary activities the
15 commission of one or more criminal acts and that has a
16 common name or common identifying sign, symbol or specific
17 color apparel displayed, and whose members individually or
18 collectively engage in or have engaged in a pattern of
19 criminal activity.

20 Beginning July 1, 1994, for purposes of this Section,
21 "criminal street gang" has the meaning ascribed to it in
22 Section 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

24 (3) Judges, hearing officers, prosecutors, probation
25 officers, social workers or other individuals assigned by
26 the court to conduct a pre-adjudication or predisposition

1 investigation, and individuals responsible for supervising
2 or providing temporary or permanent care and custody for
3 minors pursuant to the order of the juvenile court when
4 essential to performing their responsibilities.

5 (4) Judges, prosecutors and probation officers:

6 (a) in the course of a trial when institution of
7 criminal proceedings has been permitted or required
8 under Section 5-805; or

9 (b) when criminal proceedings have been permitted
10 or required under Section 5-805 and a minor is the
11 subject of a proceeding to determine the amount of
12 bail; or

13 (c) when criminal proceedings have been permitted
14 or required under Section 5-805 and a minor is the
15 subject of a pre-trial investigation, pre-sentence
16 investigation or fitness hearing, or proceedings on an
17 application for probation; or

18 (d) when a minor becomes 17 years of age or older,
19 and is the subject of criminal proceedings, including a
20 hearing to determine the amount of bail, a pre-trial
21 investigation, a pre-sentence investigation, a fitness
22 hearing, or proceedings on an application for
23 probation.

24 (5) Adult and Juvenile Prisoner Review Boards.

25 (6) Authorized military personnel.

26 (7) Victims, their subrogees and legal

1 representatives; however, such persons shall have access
2 only to the name and address of the minor and information
3 pertaining to the disposition or alternative adjustment
4 plan of the juvenile court.

5 (8) Persons engaged in bona fide research, with the
6 permission of the presiding judge of the juvenile court and
7 the chief executive of the agency that prepared the
8 particular records; provided that publication of such
9 research results in no disclosure of a minor's identity and
10 protects the confidentiality of the record.

11 (9) The Secretary of State to whom the Clerk of the
12 Court shall report the disposition of all cases, as
13 required in Section 6-204 of the Illinois Vehicle Code.
14 However, information reported relative to these offenses
15 shall be privileged and available only to the Secretary of
16 State, courts, and police officers.

17 (10) The administrator of a bonafide substance abuse
18 student assistance program with the permission of the
19 presiding judge of the juvenile court.

20 (11) Mental health professionals on behalf of the
21 Illinois Department of Corrections or the Department of
22 Human Services or prosecutors who are evaluating,
23 prosecuting, or investigating a potential or actual
24 petition brought under the Sexually Persons Commitment Act
25 relating to a person who is the subject of juvenile court
26 records or the respondent to a petition brought under the

1 Sexually Violent Persons Commitment Act, who is the subject
2 of juvenile court records sought. Any records and any
3 information obtained from those records under this
4 paragraph (11) may be used only in sexually violent persons
5 commitment proceedings.

6 (A-1) Findings and exclusions of paternity entered in
7 proceedings occurring under Article II of this Act shall be
8 disclosed, in a manner and form approved by the Presiding Judge
9 of the Juvenile Court, to the Department of Healthcare and
10 Family Services when necessary to discharge the duties of the
11 Department of Healthcare and Family Services under Article X of
12 the Illinois Public Aid Code.

13 (B) A minor who is the victim in a juvenile proceeding
14 shall be provided the same confidentiality regarding
15 disclosure of identity as the minor who is the subject of
16 record.

17 (C) Except as otherwise provided in this subsection (C),
18 juvenile court records shall not be made available to the
19 general public but may be inspected by representatives of
20 agencies, associations and news media or other properly
21 interested persons by general or special order of the court
22 presiding over matters pursuant to this Act.

23 (0.1) In cases where the records concern a pending
24 juvenile court case, the party seeking to inspect the
25 juvenile court records shall provide actual notice to the
26 attorney or guardian ad litem of the minor whose records

1 are sought.

2 (0.2) In cases where the records concern a juvenile
3 court case that is no longer pending, the party seeking to
4 inspect the juvenile court records shall provide actual
5 notice to the minor or the minor's parent or legal
6 guardian, and the matter shall be referred to the chief
7 judge presiding over matters pursuant to this Act.

8 (0.3) In determining whether the records should be
9 available for inspection, the court shall consider the
10 minor's interest in confidentiality and rehabilitation
11 over the moving party's interest in obtaining the
12 information. The State's Attorney, the minor, and the
13 minor's parents, guardian, and counsel shall at all times
14 have the right to examine court files and records. For
15 purposes of obtaining documents pursuant to this Section, a
16 civil subpoena is not an order of the court.

17 (0.4) Any records obtained in violation of this
18 subsection (C) shall not be admissible in any criminal or
19 civil proceeding, or operate to disqualify a minor from
20 subsequently holding public office, or operate as a
21 forfeiture of any public benefit, right, privilege, or
22 right to receive any license granted by public authority.

23 (1) The court shall allow the general public to have
24 access to the name, address, and offense of a minor who is
25 adjudicated a delinquent minor under this Act under either
26 of the following circumstances:

1 (A) The adjudication of delinquency was based upon
2 the minor's commission of first degree murder, attempt
3 to commit first degree murder, aggravated criminal
4 sexual assault, or criminal sexual assault; or

5 (B) The court has made a finding that the minor was
6 at least 13 years of age at the time the act was
7 committed and the adjudication of delinquency was
8 based upon the minor's commission of: (i) an act in
9 furtherance of the commission of a felony as a member
10 of or on behalf of a criminal street gang, (ii) an act
11 involving the use of a firearm in the commission of a
12 felony, (iii) an act that would be a Class X felony
13 offense under or the minor's second or subsequent Class
14 2 or greater felony offense under the Cannabis Control
15 Act if committed by an adult, (iv) an act that would be
16 a second or subsequent offense under Section 402 of the
17 Illinois Controlled Substances Act if committed by an
18 adult, (v) an act that would be an offense under
19 Section 401 of the Illinois Controlled Substances Act
20 if committed by an adult, (vi) an act that would be a
21 second or subsequent offense under Section 60 of the
22 Methamphetamine Control and Community Protection Act,
23 or (vii) an act that would be an offense under another
24 Section of the Methamphetamine Control and Community
25 Protection Act.

26 (2) The court shall allow the general public to have

1 access to the name, address, and offense of a minor who is
2 at least 13 years of age at the time the offense is
3 committed and who is convicted, in criminal proceedings
4 permitted or required under Section 5-4, under either of
5 the following circumstances:

6 (A) The minor has been convicted of first degree
7 murder, attempt to commit first degree murder,
8 aggravated criminal sexual assault, or criminal sexual
9 assault,

10 (B) The court has made a finding that the minor was
11 at least 13 years of age at the time the offense was
12 committed and the conviction was based upon the minor's
13 commission of: (i) an offense in furtherance of the
14 commission of a felony as a member of or on behalf of a
15 criminal street gang, (ii) an offense involving the use
16 of a firearm in the commission of a felony, (iii) a
17 Class X felony offense under or a second or subsequent
18 Class 2 or greater felony offense under the Cannabis
19 Control Act, (iv) a second or subsequent offense under
20 Section 402 of the Illinois Controlled Substances Act,
21 (v) an offense under Section 401 of the Illinois
22 Controlled Substances Act, (vi) an act that would be a
23 second or subsequent offense under Section 60 of the
24 Methamphetamine Control and Community Protection Act,
25 or (vii) an act that would be an offense under another
26 Section of the Methamphetamine Control and Community

1 Protection Act.

2 (D) Pending or following any adjudication of delinquency
3 for any offense defined in Sections 11-1.20 through 11-1.60 or
4 12-13 through 12-16 of the Criminal Code of 1961, the victim of
5 any such offense shall receive the rights set out in Sections 4
6 and 6 of the Bill of Rights for Victims and Witnesses of
7 Violent Crime Act; and the juvenile who is the subject of the
8 adjudication, notwithstanding any other provision of this Act,
9 shall be treated as an adult for the purpose of affording such
10 rights to the victim.

11 (E) Nothing in this Section shall affect the right of a
12 Civil Service Commission or appointing authority of any state,
13 county or municipality examining the character and fitness of
14 an applicant for employment with a law enforcement agency,
15 correctional institution, or fire department to ascertain
16 whether that applicant was ever adjudicated to be a delinquent
17 minor and, if so, to examine the records of disposition or
18 evidence which were made in proceedings under this Act.

19 (F) Following any adjudication of delinquency for a crime
20 which would be a felony if committed by an adult, or following
21 any adjudication of delinquency for a violation of Section
22 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the
23 State's Attorney shall ascertain whether the minor respondent
24 is enrolled in school and, if so, shall provide a copy of the
25 dispositional order to the principal or chief administrative
26 officer of the school. Access to such juvenile records shall be

1 limited to the principal or chief administrative officer of the
2 school and any guidance counselor designated by him.

3 (G) Nothing contained in this Act prevents the sharing or
4 disclosure of information or records relating or pertaining to
5 juveniles subject to the provisions of the Serious Habitual
6 Offender Comprehensive Action Program when that information is
7 used to assist in the early identification and treatment of
8 habitual juvenile offenders.

9 (H) When a Court hearing a proceeding under Article II of
10 this Act becomes aware that an earlier proceeding under Article
11 II had been heard in a different county, that Court shall
12 request, and the Court in which the earlier proceedings were
13 initiated shall transmit, an authenticated copy of the Court
14 record, including all documents, petitions, and orders filed
15 therein and the minute orders, transcript of proceedings, and
16 docket entries of the Court.

17 (I) The Clerk of the Circuit Court shall report to the
18 Department of State Police, in the form and manner required by
19 the Department of State Police, the final disposition of each
20 minor who has been arrested or taken into custody before his or
21 her 17th birthday for those offenses required to be reported
22 under Section 5 of the Criminal Identification Act. Information
23 reported to the Department under this Section may be maintained
24 with records that the Department files under Section 2.1 of the
25 Criminal Identification Act.

26 (Source: P.A. 95-123, eff. 8-13-07; 96-212, eff. 8-10-09.)

1 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

2 Sec. 2-17. Guardian ad litem.

3 (1) Immediately upon the filing of a petition alleging that
4 the minor is a person described in Sections 2-3 or 2-4 of this
5 Article, the court shall appoint a guardian ad litem for the
6 minor if:

7 (a) such petition alleges that the minor is an abused
8 or neglected child; or

9 (b) such petition alleges that charges alleging the
10 commission of any of the sex offenses defined in Article 11
11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
12 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
13 Criminal Code of 1961, as amended, have been filed against
14 a defendant in any court and that such minor is the alleged
15 victim of the acts of defendant in the commission of such
16 offense.

17 Unless the guardian ad litem appointed pursuant to this
18 paragraph (1) is an attorney at law he shall be represented in
19 the performance of his duties by counsel. The guardian ad litem
20 shall represent the best interests of the minor and shall
21 present recommendations to the court consistent with that duty.

22 (2) Before proceeding with the hearing, the court shall
23 appoint a guardian ad litem for the minor if

24 (a) no parent, guardian, custodian or relative of the
25 minor appears at the first or any subsequent hearing of the

1 case;

2 (b) the petition prays for the appointment of a
3 guardian with power to consent to adoption; or

4 (c) the petition for which the minor is before the
5 court resulted from a report made pursuant to the Abused
6 and Neglected Child Reporting Act.

7 (3) The court may appoint a guardian ad litem for the minor
8 whenever it finds that there may be a conflict of interest
9 between the minor and his parents or other custodian or that it
10 is otherwise in the minor's best interest to do so.

11 (4) Unless the guardian ad litem is an attorney, he shall
12 be represented by counsel.

13 (5) The reasonable fees of a guardian ad litem appointed
14 under this Section shall be fixed by the court and charged to
15 the parents of the minor, to the extent they are able to pay.
16 If the parents are unable to pay those fees, they shall be paid
17 from the general fund of the county.

18 (6) A guardian ad litem appointed under this Section, shall
19 receive copies of any and all classified reports of child abuse
20 and neglect made under the Abused and Neglected Child Reporting
21 Act in which the minor who is the subject of a report under the
22 Abused and Neglected Child Reporting Act, is also the minor for
23 whom the guardian ad litem is appointed under this Section.

24 (7) The appointed guardian ad litem shall remain the
25 child's guardian ad litem throughout the entire juvenile trial
26 court proceedings, including permanency hearings and

1 termination of parental rights proceedings, unless there is a
2 substitution entered by order of the court.

3 (8) The guardian ad litem or an agent of the guardian ad
4 litem shall have a minimum of one in-person contact with the
5 minor and one contact with one of the current foster parents or
6 caregivers prior to the adjudicatory hearing, and at least one
7 additional in-person contact with the child and one contact
8 with one of the current foster parents or caregivers after the
9 adjudicatory hearing but prior to the first permanency hearing
10 and one additional in-person contact with the child and one
11 contact with one of the current foster parents or caregivers
12 each subsequent year. For good cause shown, the judge may
13 excuse face-to-face interviews required in this subsection.

14 (9) In counties with a population of 100,000 or more but
15 less than 3,000,000, each guardian ad litem must successfully
16 complete a training program approved by the Department of
17 Children and Family Services. The Department of Children and
18 Family Services shall provide training materials and documents
19 to guardians ad litem who are not mandated to attend the
20 training program. The Department of Children and Family
21 Services shall develop and distribute to all guardians ad litem
22 a bibliography containing information including but not
23 limited to the juvenile court process, termination of parental
24 rights, child development, medical aspects of child abuse, and
25 the child's need for safety and permanence.

26 (Source: P.A. 89-462, eff. 5-29-96; 90-27, eff. 1-1-98; 90-28,

1 eff. 1-1-98.)

2 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

3 Sec. 2-25. Order of protection.

4 (1) The court may make an order of protection in assistance
5 of or as a condition of any other order authorized by this Act.
6 The order of protection shall be based on the health, safety
7 and best interests of the minor and may set forth reasonable
8 conditions of behavior to be observed for a specified period.
9 Such an order may require a person:

10 (a) to stay away from the home or the minor;

11 (b) to permit a parent to visit the minor at stated
12 periods;

13 (c) to abstain from offensive conduct against the
14 minor, his parent or any person to whom custody of the
15 minor is awarded;

16 (d) to give proper attention to the care of the home;

17 (e) to cooperate in good faith with an agency to which
18 custody of a minor is entrusted by the court or with an
19 agency or association to which the minor is referred by the
20 court;

21 (f) to prohibit and prevent any contact whatsoever with
22 the respondent minor by a specified individual or
23 individuals who are alleged in either a criminal or
24 juvenile proceeding to have caused injury to a respondent
25 minor or a sibling of a respondent minor;

1 (g) to refrain from acts of commission or omission that
2 tend to make the home not a proper place for the minor;

3 (h) to refrain from contacting the minor and the foster
4 parents in any manner that is not specified in writing in
5 the case plan.

6 (2) The court shall enter an order of protection to
7 prohibit and prevent any contact between a respondent minor or
8 a sibling of a respondent minor and any person named in a
9 petition seeking an order of protection who has been convicted
10 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
11 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
12 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
13 ~~Section 12-14~~, predatory criminal sexual assault of a child
14 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
15 ~~12-15~~, or aggravated criminal sexual abuse as described in
16 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
17 convicted of an offense that resulted in the death of a child,
18 or has violated a previous order of protection under this
19 Section.

20 (3) When the court issues an order of protection against
21 any person as provided by this Section, the court shall direct
22 a copy of such order to the Sheriff of that county. The Sheriff
23 shall furnish a copy of the order of protection to the
24 Department of State Police within 24 hours of receipt, in the
25 form and manner required by the Department. The Department of
26 State Police shall maintain a complete record and index of such

1 orders of protection and make this data available to all local
2 law enforcement agencies.

3 (4) After notice and opportunity for hearing afforded to a
4 person subject to an order of protection, the order may be
5 modified or extended for a further specified period or both or
6 may be terminated if the court finds that the health, safety,
7 and best interests of the minor and the public will be served
8 thereby.

9 (5) An order of protection may be sought at any time during
10 the course of any proceeding conducted pursuant to this Act if
11 such an order is consistent with the health, safety, and best
12 interests of the minor. Any person against whom an order of
13 protection is sought may retain counsel to represent him at a
14 hearing, and has rights to be present at the hearing, to be
15 informed prior to the hearing in writing of the contents of the
16 petition seeking a protective order and of the date, place and
17 time of such hearing, and to cross examine witnesses called by
18 the petitioner and to present witnesses and argument in
19 opposition to the relief sought in the petition.

20 (6) Diligent efforts shall be made by the petitioner to
21 serve any person or persons against whom any order of
22 protection is sought with written notice of the contents of the
23 petition seeking a protective order and of the date, place and
24 time at which the hearing on the petition is to be held. When a
25 protective order is being sought in conjunction with a
26 temporary custody hearing, if the court finds that the person

1 against whom the protective order is being sought has been
2 notified of the hearing or that diligent efforts have been made
3 to notify such person, the court may conduct a hearing. If a
4 protective order is sought at any time other than in
5 conjunction with a temporary custody hearing, the court may not
6 conduct a hearing on the petition in the absence of the person
7 against whom the order is sought unless the petitioner has
8 notified such person by personal service at least 3 days before
9 the hearing or has sent written notice by first class mail to
10 such person's last known address at least 5 days before the
11 hearing.

12 (7) A person against whom an order of protection is being
13 sought who is neither a parent, guardian, legal custodian or
14 responsible relative as described in Section 1-5 is not a party
15 or respondent as defined in that Section and shall not be
16 entitled to the rights provided therein. Such person does not
17 have a right to appointed counsel or to be present at any
18 hearing other than the hearing in which the order of protection
19 is being sought or a hearing directly pertaining to that order.
20 Unless the court orders otherwise, such person does not have a
21 right to inspect the court file.

22 (8) All protective orders entered under this Section shall
23 be in writing. Unless the person against whom the order was
24 obtained was present in court when the order was issued, the
25 sheriff, other law enforcement official or special process
26 server shall promptly serve that order upon that person and

1 file proof of such service, in the manner provided for service
2 of process in civil proceedings. The person against whom the
3 protective order was obtained may seek a modification of the
4 order by filing a written motion to modify the order within 7
5 days after actual receipt by the person of a copy of the order.
6 Any modification of the order granted by the court must be
7 determined to be consistent with the best interests of the
8 minor.

9 (9) If a petition is filed charging a violation of a
10 condition contained in the protective order and if the court
11 determines that this violation is of a critical service
12 necessary to the safety and welfare of the minor, the court may
13 proceed to findings and an order for temporary custody.

14 (Source: P.A. 95-405, eff. 6-1-08.)

15 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

16 Sec. 3-19. Guardian ad litem.

17 (1) Immediately upon the filing of a petition alleging that
18 the minor requires authoritative intervention, the court may
19 appoint a guardian ad litem for the minor if

20 (a) such petition alleges that the minor is the victim
21 of sexual abuse or misconduct; or

22 (b) such petition alleges that charges alleging the
23 commission of any of the sex offenses defined in Article 11
24 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
25 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the

1 Criminal Code of 1961, as amended, have been filed against
2 a defendant in any court and that such minor is the alleged
3 victim of the acts of the defendant in the commission of
4 such offense.

5 (2) Unless the guardian ad litem appointed pursuant to
6 paragraph (1) is an attorney at law he shall be represented in
7 the performance of his duties by counsel.

8 (3) Before proceeding with the hearing, the court shall
9 appoint a guardian ad litem for the minor if

10 (a) no parent, guardian, custodian or relative of the
11 minor appears at the first or any subsequent hearing of the
12 case;

13 (b) the petition prays for the appointment of a
14 guardian with power to consent to adoption; or

15 (c) the petition for which the minor is before the
16 court resulted from a report made pursuant to the Abused
17 and Neglected Child Reporting Act.

18 (4) The court may appoint a guardian ad litem for the minor
19 whenever it finds that there may be a conflict of interest
20 between the minor and his parents or other custodian or that it
21 is otherwise in the minor's interest to do so.

22 (5) The reasonable fees of a guardian ad litem appointed
23 under this Section shall be fixed by the court and charged to
24 the parents of the minor, to the extent they are able to pay.
25 If the parents are unable to pay those fees, they shall be paid
26 from the general fund of the county.

1 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

2 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

3 Sec. 3-26. Order of protection.

4 (1) The court may make an order of protection in assistance
5 of or as a condition of any other order authorized by this Act.
6 The order of protection may set forth reasonable conditions of
7 behavior to be observed for a specified period. Such an order
8 may require a person:

9 (a) To stay away from the home or the minor;

10 (b) To permit a parent to visit the minor at stated
11 periods;

12 (c) To abstain from offensive conduct against the
13 minor, his parent or any person to whom custody of the
14 minor is awarded;

15 (d) To give proper attention to the care of the home;

16 (e) To cooperate in good faith with an agency to which
17 custody of a minor is entrusted by the court or with an
18 agency or association to which the minor is referred by the
19 court;

20 (f) To prohibit and prevent any contact whatsoever with
21 the respondent minor by a specified individual or
22 individuals who are alleged in either a criminal or
23 juvenile proceeding to have caused injury to a respondent
24 minor or a sibling of a respondent minor;

25 (g) To refrain from acts of commission or omission that

1 tend to make the home not a proper place for the minor.

2 (2) The court shall enter an order of protection to
3 prohibit and prevent any contact between a respondent minor or
4 a sibling of a respondent minor and any person named in a
5 petition seeking an order of protection who has been convicted
6 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
7 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
8 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
9 ~~Section 12-14~~, predatory criminal sexual assault of a child
10 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
11 ~~12-15~~, or aggravated criminal sexual abuse as described in
12 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
13 convicted of an offense that resulted in the death of a child,
14 or has violated a previous order of protection under this
15 Section.

16 (3) When the court issues an order of protection against
17 any person as provided by this Section, the court shall direct
18 a copy of such order to the Sheriff of that county. The Sheriff
19 shall furnish a copy of the order of protection to the
20 Department of State Police within 24 hours of receipt, in the
21 form and manner required by the Department. The Department of
22 State Police shall maintain a complete record and index of such
23 orders of protection and make this data available to all local
24 law enforcement agencies.

25 (4) After notice and opportunity for hearing afforded to a
26 person subject to an order of protection, the order may be

1 modified or extended for a further specified period or both or
2 may be terminated if the court finds that the best interests of
3 the minor and the public will be served thereby.

4 (5) An order of protection may be sought at any time during
5 the course of any proceeding conducted pursuant to this Act.
6 Any person against whom an order of protection is sought may
7 retain counsel to represent him at a hearing, and has rights to
8 be present at the hearing, to be informed prior to the hearing
9 in writing of the contents of the petition seeking a protective
10 order and of the date, place and time of such hearing, and to
11 cross examine witnesses called by the petitioner and to present
12 witnesses and argument in opposition to the relief sought in
13 the petition.

14 (6) Diligent efforts shall be made by the petitioner to
15 serve any person or persons against whom any order of
16 protection is sought with written notice of the contents of the
17 petition seeking a protective order and of the date, place and
18 time at which the hearing on the petition is to be held. When a
19 protective order is being sought in conjunction with a shelter
20 care hearing, if the court finds that the person against whom
21 the protective order is being sought has been notified of the
22 hearing or that diligent efforts have been made to notify such
23 person, the court may conduct a hearing. If a protective order
24 is sought at any time other than in conjunction with a shelter
25 care hearing, the court may not conduct a hearing on the
26 petition in the absence of the person against whom the order is

1 sought unless the petitioner has notified such person by
2 personal service at least 3 days before the hearing or has sent
3 written notice by first class mail to such person's last known
4 address at least 5 days before the hearing.

5 (7) A person against whom an order of protection is being
6 sought who is neither a parent, guardian, legal custodian or
7 responsible relative as described in Section 1-5 is not a party
8 or respondent as defined in that Section and shall not be
9 entitled to the rights provided therein. Such person does not
10 have a right to appointed counsel or to be present at any
11 hearing other than the hearing in which the order of protection
12 is being sought or a hearing directly pertaining to that order.
13 Unless the court orders otherwise, such person does not have a
14 right to inspect the court file.

15 (8) All protective orders entered under this Section shall
16 be in writing. Unless the person against whom the order was
17 obtained was present in court when the order was issued, the
18 sheriff, other law enforcement official or special process
19 server shall promptly serve that order upon that person and
20 file proof of such service, in the manner provided for service
21 of process in civil proceedings. The person against whom the
22 protective order was obtained may seek a modification of the
23 order by filing a written motion to modify the order within 7
24 days after actual receipt by the person of a copy of the order.
25 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
26 90-655, eff. 7-30-98.)

1 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

2 Sec. 4-16. Guardian ad litem.

3 (1) Immediately upon the filing of a petition alleging that
4 the minor is a person described in Section 4-3 of this Act, the
5 court may appoint a guardian ad litem for the minor if:

6 (a) such petition alleges that the minor is the victim
7 of sexual abuse or misconduct; or

8 (b) such petition alleges that charges alleging the
9 commission of any of the sex offenses defined in Article 11
10 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
11 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
12 Criminal Code of 1961, as amended, have been filed against
13 a defendant in any court and that such minor is the alleged
14 victim of the acts of the defendant in the commission of
15 such offense.

16 Unless the guardian ad litem appointed pursuant to this
17 paragraph (1) is an attorney at law he shall be represented in
18 the performance of his duties by counsel.

19 (2) Before proceeding with the hearing, the court shall
20 appoint a guardian ad litem for the minor if

21 (a) no parent, guardian, custodian or relative of the
22 minor appears at the first or any subsequent hearing of the
23 case;

24 (b) the petition prays for the appointment of a
25 guardian with power to consent to adoption; or

1 (c) the petition for which the minor is before the
2 court resulted from a report made pursuant to the Abused
3 and Neglected Child Reporting Act.

4 (3) The court may appoint a guardian ad litem for the minor
5 whenever it finds that there may be a conflict of interest
6 between the minor and his parents or other custodian or that it
7 is otherwise in the minor's interest to do so.

8 (4) Unless the guardian ad litem is an attorney, he shall
9 be represented by counsel.

10 (5) The reasonable fees of a guardian ad litem appointed
11 under this Section shall be fixed by the court and charged to
12 the parents of the minor, to the extent they are able to pay.
13 If the parents are unable to pay those fees, they shall be paid
14 from the general fund of the county.

15 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

16 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

17 Sec. 4-23. Order of protection.

18 (1) The court may make an order of protection in assistance
19 of or as a condition of any other order authorized by this Act.
20 The order of protection may set forth reasonable conditions of
21 behavior to be observed for a specified period. Such an order
22 may require a person:

23 (a) To stay away from the home or the minor;

24 (b) To permit a parent to visit the minor at stated
25 periods;

1 (c) To abstain from offensive conduct against the
2 minor, his parent or any person to whom custody of the
3 minor is awarded;

4 (d) To give proper attention to the care of the home;

5 (e) To cooperate in good faith with an agency to which
6 custody of a minor is entrusted by the court or with an
7 agency or association to which the minor is referred by the
8 court;

9 (f) To prohibit and prevent any contact whatsoever with
10 the respondent minor by a specified individual or
11 individuals who are alleged in either a criminal or
12 juvenile proceeding to have caused injury to a respondent
13 minor or a sibling of a respondent minor;

14 (g) To refrain from acts of commission or omission that
15 tend to make the home not a proper place for the minor.

16 (2) The court shall enter an order of protection to
17 prohibit and prevent any contact between a respondent minor or
18 a sibling of a respondent minor and any person named in a
19 petition seeking an order of protection who has been convicted
20 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
21 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
22 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
23 ~~Section 12-14~~, predatory criminal sexual assault of a child
24 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
25 ~~12-15~~, or aggravated criminal sexual abuse as described in
26 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been

1 convicted of an offense that resulted in the death of a child,
2 or has violated a previous order of protection under this
3 Section.

4 (3) When the court issues an order of protection against
5 any person as provided by this Section, the court shall direct
6 a copy of such order to the Sheriff of that county. The Sheriff
7 shall furnish a copy of the order of protection to the
8 Department of State Police within 24 hours of receipt, in the
9 form and manner required by the Department. The Department of
10 State Police shall maintain a complete record and index of such
11 orders of protection and make this data available to all local
12 law enforcement agencies.

13 (4) After notice and opportunity for hearing afforded to a
14 person subject to an order of protection, the order may be
15 modified or extended for a further specified period or both or
16 may be terminated if the court finds that the best interests of
17 the minor and the public will be served thereby.

18 (5) An order of protection may be sought at any time during
19 the course of any proceeding conducted pursuant to this Act.
20 Any person against whom an order of protection is sought may
21 retain counsel to represent him at a hearing, and has rights to
22 be present at the hearing, to be informed prior to the hearing
23 in writing of the contents of the petition seeking a protective
24 order and of the date, place and time of such hearing, and to
25 cross examine witnesses called by the petitioner and to present
26 witnesses and argument in opposition to the relief sought in

1 the petition.

2 (6) Diligent efforts shall be made by the petitioner to
3 serve any person or persons against whom any order of
4 protection is sought with written notice of the contents of the
5 petition seeking a protective order and of the date, place and
6 time at which the hearing on the petition is to be held. When a
7 protective order is being sought in conjunction with a shelter
8 care hearing, if the court finds that the person against whom
9 the protective order is being sought has been notified of the
10 hearing or that diligent efforts have been made to notify such
11 person, the court may conduct a hearing. If a protective order
12 is sought at any time other than in conjunction with a shelter
13 care hearing, the court may not conduct a hearing on the
14 petition in the absence of the person against whom the order is
15 sought unless the petitioner has notified such person by
16 personal service at least 3 days before the hearing or has sent
17 written notice by first class mail to such person's last known
18 address at least 5 days before the hearing.

19 (7) A person against whom an order of protection is being
20 sought who is neither a parent, guardian, legal custodian or
21 responsible relative as described in Section 1-5 is not a party
22 or respondent as defined in that Section and shall not be
23 entitled to the rights provided therein. Such person does not
24 have a right to appointed counsel or to be present at any
25 hearing other than the hearing in which the order of protection
26 is being sought or a hearing directly pertaining to that order.

1 Unless the court orders otherwise, such person does not have a
2 right to inspect the court file.

3 (8) All protective orders entered under this Section shall
4 be in writing. Unless the person against whom the order was
5 obtained was present in court when the order was issued, the
6 sheriff, other law enforcement official or special process
7 server shall promptly serve that order upon that person and
8 file proof of such service, in the manner provided for service
9 of process in civil proceedings. The person against whom the
10 protective order was obtained may seek a modification of the
11 order by filing a written motion to modify the order within 7
12 days after actual receipt by the person of a copy of the order.
13 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
14 90-655, eff. 7-30-98.)

15 (705 ILCS 405/5-170)

16 Sec. 5-170. Representation by counsel.

17 (a) In a proceeding under this Article, a minor who was
18 under 13 years of age at the time of the commission of an act
19 that if committed by an adult would be a violation of Section
20 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,
21 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
22 12-16 of the Criminal Code of 1961 must be represented by
23 counsel during the entire custodial interrogation of the minor.

24 (b) In a judicial proceeding under this Article, a minor
25 may not waive the right to the assistance of counsel in his or

1 her defense.

2 (Source: P.A. 94-345, eff. 7-26-05.)

3 (705 ILCS 405/5-730)

4 Sec. 5-730. Order of protection.

5 (1) The court may make an order of protection in assistance
6 of or as a condition of any other order authorized by this Act.
7 The order of protection may set forth reasonable conditions of
8 behavior to be observed for a specified period. The order may
9 require a person:

10 (a) to stay away from the home or the minor;

11 (b) to permit a parent to visit the minor at stated
12 periods;

13 (c) to abstain from offensive conduct against the
14 minor, his or her parent or any person to whom custody of
15 the minor is awarded;

16 (d) to give proper attention to the care of the home;

17 (e) to cooperate in good faith with an agency to which
18 custody of a minor is entrusted by the court or with an
19 agency or association to which the minor is referred by the
20 court;

21 (f) to prohibit and prevent any contact whatsoever with
22 the respondent minor by a specified individual or
23 individuals who are alleged in either a criminal or
24 juvenile proceeding to have caused injury to a respondent
25 minor or a sibling of a respondent minor;

1 (g) to refrain from acts of commission or omission that
2 tend to make the home not a proper place for the minor.

3 (2) The court shall enter an order of protection to
4 prohibit and prevent any contact between a respondent minor or
5 a sibling of a respondent minor and any person named in a
6 petition seeking an order of protection who has been convicted
7 of heinous battery ~~under Section 12-4.1~~, aggravated battery of
8 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~
9 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~
10 ~~Section 12-14~~, predatory criminal sexual assault of a child
11 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~
12 ~~12-15~~, or aggravated criminal sexual abuse as described in
13 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been
14 convicted of an offense that resulted in the death of a child,
15 or has violated a previous order of protection under this
16 Section.

17 (3) When the court issues an order of protection against
18 any person as provided by this Section, the court shall direct
19 a copy of such order to the sheriff of that county. The sheriff
20 shall furnish a copy of the order of protection to the
21 Department of State Police within 24 hours of receipt, in the
22 form and manner required by the Department. The Department of
23 State Police shall maintain a complete record and index of the
24 orders of protection and make this data available to all local
25 law enforcement agencies.

26 (4) After notice and opportunity for hearing afforded to a

1 person subject to an order of protection, the order may be
2 modified or extended for a further specified period or both or
3 may be terminated if the court finds that the best interests of
4 the minor and the public will be served by the modification,
5 extension, or termination.

6 (5) An order of protection may be sought at any time during
7 the course of any proceeding conducted under this Act. Any
8 person against whom an order of protection is sought may retain
9 counsel to represent him or her at a hearing, and has rights to
10 be present at the hearing, to be informed prior to the hearing
11 in writing of the contents of the petition seeking a protective
12 order and of the date, place, and time of the hearing, and to
13 cross-examine witnesses called by the petitioner and to present
14 witnesses and argument in opposition to the relief sought in
15 the petition.

16 (6) Diligent efforts shall be made by the petitioner to
17 serve any person or persons against whom any order of
18 protection is sought with written notice of the contents of the
19 petition seeking a protective order and of the date, place and
20 time at which the hearing on the petition is to be held. When a
21 protective order is being sought in conjunction with a shelter
22 care or detention hearing, if the court finds that the person
23 against whom the protective order is being sought has been
24 notified of the hearing or that diligent efforts have been made
25 to notify the person, the court may conduct a hearing. If a
26 protective order is sought at any time other than in

1 conjunction with a shelter care or detention hearing, the court
2 may not conduct a hearing on the petition in the absence of the
3 person against whom the order is sought unless the petitioner
4 has notified the person by personal service at least 3 days
5 before the hearing or has sent written notice by first class
6 mail to the person's last known address at least 5 days before
7 the hearing.

8 (7) A person against whom an order of protection is being
9 sought who is neither a parent, guardian, or legal custodian or
10 responsible relative as described in Section 1-5 of this Act or
11 is not a party or respondent as defined in that Section shall
12 not be entitled to the rights provided in that Section. The
13 person does not have a right to appointed counsel or to be
14 present at any hearing other than the hearing in which the
15 order of protection is being sought or a hearing directly
16 pertaining to that order. Unless the court orders otherwise,
17 the person does not have a right to inspect the court file.

18 (8) All protective orders entered under this Section shall
19 be in writing. Unless the person against whom the order was
20 obtained was present in court when the order was issued, the
21 sheriff, other law enforcement official, or special process
22 server shall promptly serve that order upon that person and
23 file proof of that service, in the manner provided for service
24 of process in civil proceedings. The person against whom the
25 protective order was obtained may seek a modification of the
26 order by filing a written motion to modify the order within 7

1 days after actual receipt by the person of a copy of the order.

2 (Source: P.A. 90-590, eff. 1-1-99.)

3 Section 1035. The Criminal Code of 1961 is amended by
4 changing Sections 1-6, 2-10.1, 3-5, 3-6, 8-2, 12-3.2, 12-11,
5 12-18.1, 12-30, 36-1, and 37-1 as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law. The
11 State is not required to prove during trial that the alleged
12 offense occurred in any particular county in this State. When a
13 defendant contests the place of trial under this Section, all
14 proceedings regarding this issue shall be conducted under
15 Section 114-1 of the Code of Criminal Procedure of 1963. All
16 objections of improper place of trial are waived by a defendant
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or
24 Undetermined.

1 If cause of death is inflicted in one county and death
2 ensues in another county, the offender may be tried in either
3 county. If neither the county in which the cause of death was
4 inflicted nor the county in which death ensued are known before
5 trial, the offender may be tried in the county where the body
6 was found.

7 (d) Offense Commenced Outside the State.

8 If the commission of an offense commenced outside the State
9 is consummated within this State, the offender shall be tried
10 in the county where the offense is consummated.

11 (e) Offenses Committed in Bordering Navigable Waters.

12 If an offense is committed on any of the navigable waters
13 bordering on this State, the offender may be tried in any
14 county adjacent to such navigable water.

15 (f) Offenses Committed while in Transit.

16 If an offense is committed upon any railroad car, vehicle,
17 watercraft or aircraft passing within this State, and it cannot
18 readily be determined in which county the offense was
19 committed, the offender may be tried in any county through
20 which such railroad car, vehicle, watercraft or aircraft has
21 passed.

22 (g) Theft.

23 A person who commits theft of property may be tried in any
24 county in which he exerted control over such property.

25 (h) Bigamy.

26 A person who commits the offense of bigamy may be tried in

1 any county where the bigamous marriage or bigamous cohabitation
2 has occurred.

3 (i) Kidnaping.

4 A person who commits the offense of kidnaping may be tried
5 in any county in which his victim has traveled or has been
6 confined during the course of the offense.

7 (j) Pandering.

8 A person who commits the offense of pandering as set forth
9 in Section 11-14.3 may be tried in any county in which the
10 prostitution was practiced or in any county in which any act in
11 furtherance of the offense shall have been committed.

12 (k) Treason.

13 A person who commits the offense of treason may be tried in
14 any county.

15 (l) Criminal Defamation.

16 If criminal defamation is spoken, printed or written in one
17 county and is received or circulated in another or other
18 counties, the offender shall be tried in the county where the
19 defamation is spoken, printed or written. If the defamation is
20 spoken, printed or written outside this state, or the offender
21 resides outside this state, the offender may be tried in any
22 county in this state in which the defamation was circulated or
23 received.

24 (m) Inchoate Offenses.

25 A person who commits an inchoate offense may be tried in
26 any county in which any act which is an element of the offense,

1 including the agreement in conspiracy, is committed.

2 (n) Accountability for Conduct of Another.

3 Where a person in one county solicits, aids, abets, agrees,
4 or attempts to aid another in the planning or commission of an
5 offense in another county, he may be tried for the offense in
6 either county.

7 (o) Child Abduction.

8 A person who commits the offense of child abduction may be
9 tried in any county in which his victim has traveled, been
10 detained, concealed or removed to during the course of the
11 offense. Notwithstanding the foregoing, unless for good cause
12 shown, the preferred place of trial shall be the county of the
13 residence of the lawful custodian.

14 (p) A person who commits the offense of narcotics
15 racketeering may be tried in any county where cannabis or a
16 controlled substance which is the basis for the charge of
17 narcotics racketeering was used; acquired; transferred or
18 distributed to, from or through; or any county where any act
19 was performed to further the use; acquisition, transfer or
20 distribution of said cannabis or controlled substance; any
21 money, property, property interest, or any other asset
22 generated by narcotics activities was acquired, used, sold,
23 transferred or distributed to, from or through; or, any
24 enterprise interest obtained as a result of narcotics
25 racketeering was acquired, used, transferred or distributed
26 to, from or through, or where any activity was conducted by the

1 enterprise or any conduct to further the interests of such an
2 enterprise.

3 (q) A person who commits the offense of money laundering
4 may be tried in any county where any part of a financial
5 transaction in criminally derived property took place or in any
6 county where any money or monetary instrument which is the
7 basis for the offense was acquired, used, sold, transferred or
8 distributed to, from or through.

9 (r) A person who commits the offense of cannabis
10 trafficking or controlled substance trafficking may be tried in
11 any county.

12 (s) A person who commits the offense of online sale of
13 stolen property, online theft by deception, or electronic
14 fencing may be tried in any county where any one or more
15 elements of the offense took place, regardless of whether the
16 element of the offense was the result of acts by the accused,
17 the victim or by another person, and regardless of whether the
18 defendant was ever physically present within the boundaries of
19 the county.

20 (t) A person who commits the offense of identity theft or
21 aggravated identity theft may be tried in any one of the
22 following counties in which: (1) the offense occurred; (2) the
23 information used to commit the offense was illegally used; or
24 (3) the victim resides.

25 If a person is charged with more than one violation of
26 identity theft or aggravated identity theft and those

1 violations may be tried in more than one county, any of those
2 counties is a proper venue for all of the violations.

3 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; 95-331,
4 eff. 8-21-07.)

5 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

6 Sec. 2-10.1. "Severely or profoundly mentally retarded
7 person" means a person (i) whose intelligence quotient does not
8 exceed 40 or (ii) whose intelligence quotient does not exceed
9 55 and who suffers from significant mental illness to the
10 extent that the person's ability to exercise rational judgment
11 is impaired. In any proceeding in which the defendant is
12 charged with committing a violation of Section 10-2, 10-5,
13 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16 of this Code against
15 a victim who is alleged to be a severely or profoundly mentally
16 retarded person, any findings concerning the victim's status as
17 a severely or profoundly mentally retarded person, made by a
18 court after a judicial admission hearing concerning the victim
19 under Articles V and VI of Chapter 4 of the Mental Health and
20 Developmental Disabilities Code shall be admissible.

21 (Source: P.A. 92-434, eff. 1-1-02.)

22 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

23 Sec. 3-5. General Limitations.

24 (a) A prosecution for: (1) first degree murder, attempt to

1 commit first degree murder, second degree murder, involuntary
2 manslaughter, reckless homicide, leaving the scene of a motor
3 vehicle accident involving death or personal injuries under
4 Section 11-401 of the Illinois Vehicle Code, failing to give
5 information and render aid under Section 11-403 of the Illinois
6 Vehicle Code, concealment of homicidal death, treason, arson,
7 aggravated arson, forgery, child pornography under paragraph
8 (1) of subsection (a) of Section 11-20.1, aggravated child
9 pornography under paragraph (1) of subsection (a) of Section
10 11-20.1B ~~11-20.3~~, or (2) any offense involving sexual conduct
11 or sexual penetration, as defined by Section 11-0.1 ~~12-12~~ of
12 this Code in which the DNA profile of the offender is obtained
13 and entered into a DNA database within 10 years after the
14 commission of the offense, may be commenced at any time. Clause
15 (2) of this subsection (a) applies if either: (i) the victim
16 reported the offense to law enforcement authorities within 3
17 years after the commission of the offense unless a longer
18 period for reporting the offense to law enforcement authorities
19 is provided in Section 3-6 or (ii) the victim is murdered
20 during the course of the offense or within 2 years after the
21 commission of the offense.

22 (b) Unless the statute describing the offense provides
23 otherwise, or the period of limitation is extended by Section
24 3-6, a prosecution for any offense not designated in Subsection
25 (a) must be commenced within 3 years after the commission of
26 the offense if it is a felony, or within one year and 6 months

1 after its commission if it is a misdemeanor.

2 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10.)

3 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

4 Sec. 3-6. Extended limitations. The period within which a
5 prosecution must be commenced under the provisions of Section
6 3-5 or other applicable statute is extended under the following
7 conditions:

8 (a) A prosecution for theft involving a breach of a
9 fiduciary obligation to the aggrieved person may be commenced
10 as follows:

11 (1) If the aggrieved person is a minor or a person
12 under legal disability, then during the minority or legal
13 disability or within one year after the termination
14 thereof.

15 (2) In any other instance, within one year after the
16 discovery of the offense by an aggrieved person, or by a
17 person who has legal capacity to represent an aggrieved
18 person or has a legal duty to report the offense, and is
19 not himself or herself a party to the offense; or in the
20 absence of such discovery, within one year after the proper
21 prosecuting officer becomes aware of the offense. However,
22 in no such case is the period of limitation so extended
23 more than 3 years beyond the expiration of the period
24 otherwise applicable.

25 (b) A prosecution for any offense based upon misconduct in

1 office by a public officer or employee may be commenced within
2 one year after discovery of the offense by a person having a
3 legal duty to report such offense, or in the absence of such
4 discovery, within one year after the proper prosecuting officer
5 becomes aware of the offense. However, in no such case is the
6 period of limitation so extended more than 3 years beyond the
7 expiration of the period otherwise applicable.

8 (c) (Blank).

9 (d) A prosecution for child pornography, aggravated child
10 pornography, indecent solicitation of a child, soliciting for a
11 juvenile prostitute, juvenile pimping, ~~or~~ exploitation of a
12 child, or promoting juvenile prostitution except for keeping a
13 place of juvenile prostitution may be commenced within one year
14 of the victim attaining the age of 18 years. However, in no
15 such case shall the time period for prosecution expire sooner
16 than 3 years after the commission of the offense. When the
17 victim is under 18 years of age, a prosecution for criminal
18 sexual abuse may be commenced within one year of the victim
19 attaining the age of 18 years. However, in no such case shall
20 the time period for prosecution expire sooner than 3 years
21 after the commission of the offense.

22 (e) Except as otherwise provided in subdivision (j), a
23 prosecution for any offense involving sexual conduct or sexual
24 penetration, as defined in Section 11-0.1 ~~12-12~~ of this Code,
25 where the defendant was within a professional or fiduciary
26 relationship or a purported professional or fiduciary

1 relationship with the victim at the time of the commission of
2 the offense may be commenced within one year after the
3 discovery of the offense by the victim.

4 (f) A prosecution for any offense set forth in Section 44
5 of the "Environmental Protection Act", approved June 29, 1970,
6 as amended, may be commenced within 5 years after the discovery
7 of such an offense by a person or agency having the legal duty
8 to report the offense or in the absence of such discovery,
9 within 5 years after the proper prosecuting officer becomes
10 aware of the offense.

11 (f-5) A prosecution for any offense set forth in Section
12 16G-15 or 16G-20 of this Code may be commenced within 5 years
13 after the discovery of the offense by the victim of that
14 offense.

15 (g) (Blank).

16 (h) (Blank).

17 (i) Except as otherwise provided in subdivision (j), a
18 prosecution for criminal sexual assault, aggravated criminal
19 sexual assault, or aggravated criminal sexual abuse may be
20 commenced within 10 years of the commission of the offense if
21 the victim reported the offense to law enforcement authorities
22 within 3 years after the commission of the offense.

23 Nothing in this subdivision (i) shall be construed to
24 shorten a period within which a prosecution must be commenced
25 under any other provision of this Section.

26 (j) When the victim is under 18 years of age at the time of

1 the offense, a prosecution for criminal sexual assault,
2 aggravated criminal sexual assault, predatory criminal sexual
3 assault of a child, aggravated criminal sexual abuse, or felony
4 criminal sexual abuse, or a prosecution for failure of a person
5 who is required to report an alleged or suspected commission of
6 any of these offenses under the Abused and Neglected Child
7 Reporting Act may be commenced within 20 years after the child
8 victim attains 18 years of age. When the victim is under 18
9 years of age at the time of the offense, a prosecution for
10 misdemeanor criminal sexual abuse may be commenced within 10
11 years after the child victim attains 18 years of age.

12 Nothing in this subdivision (j) shall be construed to
13 shorten a period within which a prosecution must be commenced
14 under any other provision of this Section.

15 (k) A prosecution for theft involving real property
16 exceeding \$100,000 in value under Section 16-1, identity theft
17 under Section 16G-15, aggravated identity theft under Section
18 16G-20, or any offense set forth in Article 16H may be
19 commenced within 7 years of the last act committed in
20 furtherance of the crime.

21 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

22 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

23 Sec. 8-2. Conspiracy.

24 (a) Elements of the offense. A person commits the offense
25 of conspiracy when, with intent that an offense be committed,

1 he or she agrees with another to the commission of that
2 offense. No person may be convicted of conspiracy to commit an
3 offense unless an act in furtherance of that agreement is
4 alleged and proved to have been committed by him or her or by a
5 co-conspirator.

6 (b) Co-conspirators. It is not a defense to conspiracy that
7 the person or persons with whom the accused is alleged to have
8 conspired:

- 9 (1) have not been prosecuted or convicted,
- 10 (2) have been convicted of a different offense,
- 11 (3) are not amenable to justice,
- 12 (4) have been acquitted, or
- 13 (5) lacked the capacity to commit an offense.

14 (c) Sentence.

15 (1) Except as otherwise provided in this subsection or
16 Code, a person convicted of conspiracy to commit:

17 (A) a Class X felony shall be sentenced for a Class
18 1 felony;

19 (B) a Class 1 felony shall be sentenced for a Class
20 2 felony;

21 (C) a Class 2 felony shall be sentenced for a Class
22 3 felony;

23 (D) a Class 3 felony shall be sentenced for a Class
24 4 felony;

25 (E) a Class 4 felony shall be sentenced for a Class
26 4 felony; and

1 (F) a misdemeanor may be fined or imprisoned or
2 both not to exceed the maximum provided for the offense
3 that is the object of the conspiracy.

4 (2) A person convicted of conspiracy to commit any of
5 the following offenses shall be sentenced for a Class X
6 felony:

7 (A) aggravated insurance fraud conspiracy when the
8 person is an organizer of the conspiracy (720 ILCS
9 5/46-4); or

10 (B) aggravated governmental entity insurance fraud
11 conspiracy when the person is an organizer of the
12 conspiracy (720 ILCS 5/46-4).

13 (3) A person convicted of conspiracy to commit any of
14 the following offenses shall be sentenced for a Class 1
15 felony:

16 (A) first degree murder (720 ILCS 5/9-1); or

17 (B) aggravated insurance fraud (720 ILCS 5/46-3)
18 or aggravated governmental insurance fraud (720 ILCS
19 5/46-3).

20 (4) A person convicted of conspiracy to commit
21 insurance fraud (720 ILCS 5/46-3) or governmental entity
22 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
23 Class 2 felony.

24 (5) A person convicted of conspiracy to commit any of
25 the following offenses shall be sentenced for a Class 3
26 felony:

- 1 (A) soliciting for a prostitute (720 ILCS
2 5/11-14.3(a)(1) ~~5/11-15~~);
- 3 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or
4 5/11-14.3(a)(2)(B) ~~5/11-16~~);
- 5 (C) keeping a place of prostitution (720 ILCS
6 5/11-14.3(a)(1) ~~5/11-17~~);
- 7 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C) ~~5/11-19~~);
- 8 (E) unlawful use of weapons under Section
9 24-1(a)(1) (720 ILCS 5/24-1(a)(1));
- 10 (F) unlawful use of weapons under Section
11 24-1(a)(7) (720 ILCS 5/24-1(a)(7));
- 12 (G) gambling (720 ILCS 5/28-1);
- 13 (H) keeping a gambling place (720 ILCS 5/28-3);
- 14 (I) registration of federal gambling stamps
15 violation (720 ILCS 5/28-4);
- 16 (J) look-alike substances violation (720 ILCS
17 570/404);
- 18 (K) miscellaneous controlled substance violation
19 under Section 406(b) (720 ILCS 570/406(b)); or
- 20 (L) an inchoate offense related to any of the
21 principal offenses set forth in this item (5).

22 (Source: P.A. 96-710, eff. 1-1-10.)

23 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

24 Sec. 12-3.2. Domestic Battery.

25 (a) A person commits domestic battery if he intentionally

1 or knowingly without legal justification by any means:

2 (1) Causes bodily harm to any family or household
3 member as defined in subsection (3) of Section 112A-3 of
4 the Code of Criminal Procedure of 1963, as amended;

5 (2) Makes physical contact of an insulting or provoking
6 nature with any family or household member as defined in
7 subsection (3) of Section 112A-3 of the Code of Criminal
8 Procedure of 1963, as amended.

9 (b) Sentence. Domestic battery is a Class A misdemeanor.
10 Domestic battery is a Class 4 felony if the defendant has any
11 prior conviction under this Code for domestic battery (Section
12 12-3.2) or violation of an order of protection (Section 12-30),
13 or any prior conviction under the law of another jurisdiction
14 for an offense which is substantially similar. Domestic battery
15 is a Class 4 felony if the defendant has any prior conviction
16 under this Code for first degree murder (Section 9-1), attempt
17 to commit first degree murder (Section 8-4), aggravated
18 domestic battery (Section 12-3.3), aggravated battery (Section
19 12-4), heinous battery (Section 12-4.1), aggravated battery
20 with a firearm (Section 12-4.2), aggravated battery of a child
21 (Section 12-4.3), aggravated battery of an unborn child
22 (Section 12-4.4), aggravated battery of a senior citizen
23 (Section 12-4.6), stalking (Section 12-7.3), aggravated
24 stalking (Section 12-7.4), criminal sexual assault (Section
25 11-1.20 or 12-13), aggravated criminal sexual assault (Section
26 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated

1 kidnapping (Section 10-2), predatory criminal sexual assault
2 of a child (Section 11-1.40 or 12-14.1), aggravated criminal
3 sexual abuse (Section 11-1.60 or 12-16), unlawful restraint
4 (Section 10-3), aggravated unlawful restraint (Section
5 10-3.1), aggravated arson (Section 20-1.1), or aggravated
6 discharge of a firearm (Section 24-1.2), or any prior
7 conviction under the law of another jurisdiction for any
8 offense that is substantially similar to the offenses listed in
9 this Section, when any of these offenses have been committed
10 against a family or household member as defined in Section
11 112A-3 of the Code of Criminal Procedure of 1963. In addition
12 to any other sentencing alternatives, for any second or
13 subsequent conviction of violating this Section, the offender
14 shall be mandatorily sentenced to a minimum of 72 consecutive
15 hours of imprisonment. The imprisonment shall not be subject to
16 suspension, nor shall the person be eligible for probation in
17 order to reduce the sentence.

18 (c) Domestic battery committed in the presence of a child.
19 In addition to any other sentencing alternatives, a defendant
20 who commits, in the presence of a child, a felony domestic
21 battery (enhanced under subsection (b)), aggravated domestic
22 battery (Section 12-3.3), aggravated battery (Section 12-4),
23 unlawful restraint (Section 10-3), or aggravated unlawful
24 restraint (Section 10-3.1) against a family or household
25 member, as defined in Section 112A-3 of the Code of Criminal
26 Procedure of 1963, shall be required to serve a mandatory

1 minimum imprisonment of 10 days or perform 300 hours of
2 community service, or both. The defendant shall further be
3 liable for the cost of any counseling required for the child at
4 the discretion of the court in accordance with subsection (b)
5 of Section 5-5-6 of the Unified Code of Corrections. For
6 purposes of this Section, "child" means a person under 18 years
7 of age who is the defendant's or victim's child or step-child
8 or who is a minor child residing within or visiting the
9 household of the defendant or victim. For purposes of this
10 Section, "in the presence of a child" means in the physical
11 presence of a child or knowing or having reason to know that a
12 child is present and may see or hear an act constituting one of
13 the offenses listed in this subsection.

14 (d) Upon conviction of domestic battery, the court shall
15 advise the defendant orally or in writing, substantially as
16 follows: "An individual convicted of domestic battery may be
17 subject to federal criminal penalties for possessing,
18 transporting, shipping, or receiving any firearm or ammunition
19 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
20 922(g) (8) and (9))." A notation shall be made in the court file
21 that the admonition was given.

22 (Source: P.A. 96-287, eff. 8-11-09.)

23 (720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

24 Sec. 12-11. Home Invasion.

25 (a) A person who is not a peace officer acting in the line

1 of duty commits home invasion when without authority he or she
2 knowingly enters the dwelling place of another when he or she
3 knows or has reason to know that one or more persons is present
4 or he or she knowingly enters the dwelling place of another and
5 remains in such dwelling place until he or she knows or has
6 reason to know that one or more persons is present or who
7 falsely represents himself or herself, including but not
8 limited to, falsely representing himself or herself to be a
9 representative of any unit of government or a construction,
10 telecommunications, or utility company, for the purpose of
11 gaining entry to the dwelling place of another when he or she
12 knows or has reason to know that one or more persons are
13 present and

14 (1) While armed with a dangerous weapon, other than a
15 firearm, uses force or threatens the imminent use of force
16 upon any person or persons within such dwelling place
17 whether or not injury occurs, or

18 (2) Intentionally causes any injury, except as
19 provided in subsection (a)(5), to any person or persons
20 within such dwelling place, or

21 (3) While armed with a firearm uses force or threatens
22 the imminent use of force upon any person or persons within
23 such dwelling place whether or not injury occurs, or

24 (4) Uses force or threatens the imminent use of force
25 upon any person or persons within such dwelling place
26 whether or not injury occurs and during the commission of

1 the offense personally discharges a firearm, or

2 (5) Personally discharges a firearm that proximately
3 causes great bodily harm, permanent disability, permanent
4 disfigurement, or death to another person within such
5 dwelling place, or

6 (6) Commits, against any person or persons within that
7 dwelling place, a violation of Section 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,
9 or 12-16 of the Criminal Code of 1961.

10 (b) It is an affirmative defense to a charge of home
11 invasion that the accused who knowingly enters the dwelling
12 place of another and remains in such dwelling place until he or
13 she knows or has reason to know that one or more persons is
14 present either immediately leaves such premises or surrenders
15 to the person or persons lawfully present therein without
16 either attempting to cause or causing serious bodily injury to
17 any person present therein.

18 (c) Sentence. Home invasion in violation of subsection
19 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
20 subsection (a) (3) is a Class X felony for which 15 years shall
21 be added to the term of imprisonment imposed by the court. A
22 violation of subsection (a) (4) is a Class X felony for which 20
23 years shall be added to the term of imprisonment imposed by the
24 court. A violation of subsection (a) (5) is a Class X felony for
25 which 25 years or up to a term of natural life shall be added to
26 the term of imprisonment imposed by the court.

1 (d) For purposes of this Section, "dwelling place of
2 another" includes a dwelling place where the defendant
3 maintains a tenancy interest but from which the defendant has
4 been barred by a divorce decree, judgment of dissolution of
5 marriage, order of protection, or other court order.

6 (Source: P.A. 96-1113, eff. 1-1-11.)

7 (720 ILCS 5/12-18.1) (from Ch. 38, par. 12-18.1)

8 Sec. 12-18.1. Civil Liability. (a) If any person has been
9 convicted of any offense defined in Section 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 of
11 this Act, a victim of such offense has a cause of action for
12 damages against any person or entity who, by the manufacture,
13 production, or wholesale distribution of any obscene material
14 which was possessed or viewed by the person convicted of the
15 offense, proximately caused such person, through his or her
16 reading or viewing of the obscene material, to commit the
17 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
18 11-1.60, 12-13, 12-14, 12-15, or 12-16. No victim may recover
19 in any such action unless he or she proves by a preponderance
20 of the evidence that: (1) the reading or viewing of the
21 specific obscene material manufactured, produced, or
22 distributed wholesale by the defendant proximately caused the
23 person convicted of the violation of Section 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 to
25 commit such violation and (2) the defendant knew or had reason

1 to know that the manufacture, production, or wholesale
2 distribution of such material was likely to cause a violation
3 of an offense substantially of the type enumerated.

4 (b) The manufacturer, producer or wholesale distributor
5 shall be liable to the victim for:

6 (1) actual damages incurred by the victim, including
7 medical costs;

8 (2) court costs and reasonable attorneys fees;

9 (3) infliction of emotional distress;

10 (4) pain and suffering; and

11 (5) loss of consortium.

12 (c) Every action under this Section shall be commenced
13 within 3 years after the conviction of the defendant for a
14 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
15 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if
16 the victim was under the age of 18 years at the time of the
17 conviction of the defendant for a violation of Section 11-1.20,
18 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15 or
19 12-16 of this Code, an action under this Section shall be
20 commenced within 3 years after the victim attains the age of 18
21 years.

22 (d) For the purposes of this Section:

23 (1) "obscene" has the meaning ascribed to it in subsection
24 (b) of Section 11-20 of this Code;

25 (2) "wholesale distributor" means any individual,
26 partnership, corporation, association, or other legal entity

1 which stands between the manufacturer and the retail seller in
2 purchases, consignments, contracts for sale or rental of the
3 obscene material;

4 (3) "producer" means any individual, partnership,
5 corporation, association, or other legal entity which finances
6 or supervises, to any extent, the production or making of
7 obscene material;

8 (4) "manufacturer" means any individual, partnership,
9 corporation, association, or other legal entity which
10 manufacturers, assembles or produces obscene material.

11 (Source: P.A. 86-857.)

12 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

13 Sec. 12-30. Violation of an order of protection.

14 (a) A person commits violation of an order of protection
15 if:

16 (1) He or she commits an act which was prohibited by a
17 court or fails to commit an act which was ordered by a
18 court in violation of:

19 (i) a remedy in a valid order of protection
20 authorized under paragraphs (1), (2), (3), (14), or
21 (14.5) of subsection (b) of Section 214 of the Illinois
22 Domestic Violence Act of 1986,

23 (ii) a remedy, which is substantially similar to
24 the remedies authorized under paragraphs (1), (2),
25 (3), (14) or (14.5) of subsection (b) of Section 214 of

1 the Illinois Domestic Violence Act of 1986, in a valid
2 order of protection, which is authorized under the laws
3 of another state, tribe or United States territory,

4 (iii) any other remedy when the act constitutes a
5 crime against the protected parties as the term
6 protected parties is defined in Section 112A-4 of the
7 Code of Criminal Procedure of 1963; and

8 (2) Such violation occurs after the offender has been
9 served notice of the contents of the order, pursuant to the
10 Illinois Domestic Violence Act of 1986 or any substantially
11 similar statute of another state, tribe or United States
12 territory, or otherwise has acquired actual knowledge of
13 the contents of the order.

14 An order of protection issued by a state, tribal or
15 territorial court related to domestic or family violence shall
16 be deemed valid if the issuing court had jurisdiction over the
17 parties and matter under the law of the state, tribe or
18 territory. There shall be a presumption of validity where an
19 order is certified and appears authentic on its face.

20 (a-5) Failure to provide reasonable notice and opportunity
21 to be heard shall be an affirmative defense to any charge or
22 process filed seeking enforcement of a foreign order of
23 protection.

24 (b) For purposes of this Section, an "order of protection"
25 may have been issued in a criminal or civil proceeding.

26 (c) Nothing in this Section shall be construed to diminish

1 the inherent authority of the courts to enforce their lawful
2 orders through civil or criminal contempt proceedings.

3 (d) Violation of an order of protection under subsection
4 (a) of this Section is a Class A misdemeanor. Violation of an
5 order of protection under subsection (a) of this Section is a
6 Class 4 felony if the defendant has any prior conviction under
7 this Code for domestic battery (Section 12-3.2) or violation of
8 an order of protection (Section 12-30). Violation of an order
9 of protection is a Class 4 felony if the defendant has any
10 prior conviction under this Code for first degree murder
11 (Section 9-1), attempt to commit first degree murder (Section
12 8-4), aggravated domestic battery (Section 12-3.3), aggravated
13 battery (Section 12-4), heinous battery (Section 12-4.1),
14 aggravated battery with a firearm (Section 12-4.2), aggravated
15 battery of a child (Section 12-4.3), aggravated battery of an
16 unborn child (Section 12-4.4), aggravated battery of a senior
17 citizen (Section 12-4.6), stalking (Section 12-7.3),
18 aggravated stalking (Section 12-7.4), criminal sexual assault
19 (Section 11-1.20 or 12-13), aggravated criminal sexual assault
20 (Section 11-1.30 or 12-14), kidnapping (Section 10-1),
21 aggravated kidnapping (Section 10-2), predatory criminal
22 sexual assault of a child (Section 11-1.40 or 12-14.1),
23 aggravated criminal sexual abuse (Section 11-1.60 or 12-16),
24 unlawful restraint (Section 10-3), aggravated unlawful
25 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),
26 or aggravated discharge of a firearm (Section 24-1.2), when any

1 of these offenses have been committed against a family or
2 household member as defined in Section 112A-3 of the Code of
3 Criminal Procedure of 1963. The court shall impose a minimum
4 penalty of 24 hours imprisonment for defendant's second or
5 subsequent violation of any order of protection; unless the
6 court explicitly finds that an increased penalty or such period
7 of imprisonment would be manifestly unjust. In addition to any
8 other penalties, the court may order the defendant to pay a
9 fine as authorized under Section 5-9-1 of the Unified Code of
10 Corrections or to make restitution to the victim under Section
11 5-5-6 of the Unified Code of Corrections. In addition to any
12 other penalties, including those imposed by Section 5-9-1.5 of
13 the Unified Code of Corrections, the court shall impose an
14 additional fine of \$20 as authorized by Section 5-9-1.11 of the
15 Unified Code of Corrections upon any person convicted of or
16 placed on supervision for a violation of this Section. The
17 additional fine shall be imposed for each violation of this
18 Section.

19 (e) The limitations placed on law enforcement liability by
20 Section 305 of the Illinois Domestic Violence Act of 1986 apply
21 to actions taken under this Section.

22 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;
23 92-827, eff. 8-22-02.)

24 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

25 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used

1 with the knowledge and consent of the owner in the commission
2 of, or in the attempt to commit as defined in Section 8-4 of
3 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
4 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a
5 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
6 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
7 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of
8 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,
9 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,
10 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
11 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),
12 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)
13 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of
14 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of
15 the Cigarette Tax Act if the vessel, vehicle or aircraft
16 contains more than 10 cartons of such cigarettes; (c) Section
17 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,
18 vehicle or aircraft contains more than 10 cartons of such
19 cigarettes; (d) Section 44 of the Environmental Protection Act;
20 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving
21 under the influence of alcohol or other drug or drugs,
22 intoxicating compound or compounds or any combination thereof
23 under Section 11-501 of the Illinois Vehicle Code during a
24 period in which his or her driving privileges are revoked or
25 suspended where the revocation or suspension was for driving
26 under the influence of alcohol or other drug or drugs,

1 intoxicating compound or compounds or any combination thereof,
2 Section 11-501.1, paragraph (b) of Section 11-401, or for
3 reckless homicide as defined in Section 9-3 of the Criminal
4 Code of 1961; (2) driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof and has been previously convicted of
7 reckless homicide or a similar provision of a law of another
8 state relating to reckless homicide in which the person was
9 determined to have been under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds as an
11 element of the offense or the person has previously been
12 convicted of committing a violation of driving under the
13 influence of alcohol or other drug or drugs, intoxicating
14 compound or compounds or any combination thereof and was
15 involved in a motor vehicle accident that resulted in death,
16 great bodily harm, or permanent disability or disfigurement to
17 another, when the violation was a proximate cause of the death
18 or injuries; (3) the person committed a violation of driving
19 under the influence of alcohol or other drug or drugs,
20 intoxicating compound or compounds or any combination thereof
21 under Section 11-501 of the Illinois Vehicle Code or a similar
22 provision for the third or subsequent time; (4) the person
23 committed the violation while he or she did not possess a
24 driver's license or permit or a restricted driving permit or a
25 judicial driving permit or a monitoring device driving permit;
26 or (5) the person committed the violation while he or she knew

1 or should have known that the vehicle he or she was driving was
2 not covered by a liability insurance policy, ~~or (d) (1) (I)~~; (g)
3 an offense described in subsection (g) of Section 6-303 of the
4 Illinois Vehicle Code; or (h) an offense described in
5 subsection (e) of Section 6-101 of the Illinois Vehicle Code;
6 may be seized and delivered forthwith to the sheriff of the
7 county of seizure.

8 Within 15 days after such delivery the sheriff shall give
9 notice of seizure to each person according to the following
10 method: Upon each such person whose right, title or interest is
11 of record in the office of the Secretary of State, the
12 Secretary of Transportation, the Administrator of the Federal
13 Aviation Agency, or any other Department of this State, or any
14 other state of the United States if such vessel, vehicle or
15 aircraft is required to be so registered, as the case may be,
16 by mailing a copy of the notice by certified mail to the
17 address as given upon the records of the Secretary of State,
18 the Department of Aeronautics, Department of Public Works and
19 Buildings or any other Department of this State or the United
20 States if such vessel, vehicle or aircraft is required to be so
21 registered. Within that 15 day period the sheriff shall also
22 notify the State's Attorney of the county of seizure about the
23 seizure.

24 In addition, any mobile or portable equipment used in the
25 commission of an act which is in violation of Section 7g of the
26 Metropolitan Water Reclamation District Act shall be subject to

1 seizure and forfeiture under the same procedures provided in
2 this Article for the seizure and forfeiture of vessels,
3 vehicles and aircraft, and any such equipment shall be deemed a
4 vessel, vehicle or aircraft for purposes of this Article.

5 When a person discharges a firearm at another individual
6 from a vehicle with the knowledge and consent of the owner of
7 the vehicle and with the intent to cause death or great bodily
8 harm to that individual and as a result causes death or great
9 bodily harm to that individual, the vehicle shall be subject to
10 seizure and forfeiture under the same procedures provided in
11 this Article for the seizure and forfeiture of vehicles used in
12 violations of clauses (a), (b), (c), or (d) of this Section.

13 If the spouse of the owner of a vehicle seized for an
14 offense described in subsection (g) of Section 6-303 of the
15 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
16 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
17 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
18 Code makes a showing that the seized vehicle is the only source
19 of transportation and it is determined that the financial
20 hardship to the family as a result of the seizure outweighs the
21 benefit to the State from the seizure, the vehicle may be
22 forfeited to the spouse or family member and the title to the
23 vehicle shall be transferred to the spouse or family member who
24 is properly licensed and who requires the use of the vehicle
25 for employment or family transportation purposes. A written
26 declaration of forfeiture of a vehicle under this Section shall

1 be sufficient cause for the title to be transferred to the
2 spouse or family member. The provisions of this paragraph shall
3 apply only to one forfeiture per vehicle. If the vehicle is the
4 subject of a subsequent forfeiture proceeding by virtue of a
5 subsequent conviction of either spouse or the family member,
6 the spouse or family member to whom the vehicle was forfeited
7 under the first forfeiture proceeding may not utilize the
8 provisions of this paragraph in another forfeiture proceeding.
9 If the owner of the vehicle seized owns more than one vehicle,
10 the procedure set out in this paragraph may be used for only
11 one vehicle.

12 Property declared contraband under Section 40 of the
13 Illinois Streetgang Terrorism Omnibus Prevention Act may be
14 seized and forfeited under this Article.

15 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
16 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
17 1-1-11; revised 9-16-10.)

18 (720 ILCS 5/37-1) (from Ch. 38, par. 37-1)

19 Sec. 37-1. Maintaining Public Nuisance. Any building used
20 in the commission of offenses prohibited by Sections 9-1, 10-1,
21 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,
22 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),
23 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision
24 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of the
25 Criminal Code of 1961, or prohibited by the Illinois Controlled

1 Substances Act, the Methamphetamine Control and Community
2 Protection Act, or the Cannabis Control Act, or used in the
3 commission of an inchoate offense relative to any of the
4 aforesaid principal offenses, or any real property erected,
5 established, maintained, owned, leased, or used by a streetgang
6 for the purpose of conducting streetgang related activity as
7 defined in Section 10 of the Illinois Streetgang Terrorism
8 Omnibus Prevention Act is a public nuisance.

9 (b) Sentence. A person convicted of knowingly maintaining
10 such a public nuisance commits a Class A misdemeanor. Each
11 subsequent offense under this Section is a Class 4 felony.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 1040. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 110-6.3, 110-10, 111-8, 114-4,
15 115-7, 115-7.2, 115-7.3, 115-10, 115-10.3, 115-11, 115-11.1,
16 115-13, 115-16, 116-4, 124B-10, 124B-100, 124B-420, and
17 124B-500 as follows:

18 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

19 Sec. 110-6.3. Denial of bail in stalking and aggravated
20 stalking offenses.

21 (a) Upon verified petition by the State, the court shall
22 hold a hearing to determine whether bail should be denied to a
23 defendant who is charged with stalking or aggravated stalking,
24 when it is alleged that the defendant's admission to bail poses

1 a real and present threat to the physical safety of the alleged
2 victim of the offense, and denial of release on bail or
3 personal recognizance is necessary to prevent fulfillment of
4 the threat upon which the charge is based.

5 (1) A petition may be filed without prior notice to the
6 defendant at the first appearance before a judge, or within
7 21 calendar days, except as provided in Section 110-6,
8 after arrest and release of the defendant upon reasonable
9 notice to defendant; provided that while the petition is
10 pending before the court, the defendant if previously
11 released shall not be detained.

12 (2) The hearing shall be held immediately upon the
13 defendant's appearance before the court, unless for good
14 cause shown the defendant or the State seeks a continuance.
15 A continuance on motion of the defendant may not exceed 5
16 calendar days, and the defendant may be held in custody
17 during the continuance. A continuance on the motion of the
18 State may not exceed 3 calendar days; however, the
19 defendant may be held in custody during the continuance
20 under this provision if the defendant has been previously
21 found to have violated an order of protection or has been
22 previously convicted of, or granted court supervision for,
23 any of the offenses set forth in Sections 11-1.20, 11-1.30,
24 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.2, 12-3.3, 12-4,
25 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15 or
26 12-16 of the Criminal Code of 1961, against the same person

1 as the alleged victim of the stalking or aggravated
2 stalking offense.

3 (b) The court may deny bail to the defendant when, after
4 the hearing, it is determined that:

5 (1) the proof is evident or the presumption great that
6 the defendant has committed the offense of stalking or
7 aggravated stalking; and

8 (2) the defendant poses a real and present threat to
9 the physical safety of the alleged victim of the offense;
10 and

11 (3) the denial of release on bail or personal
12 recognizance is necessary to prevent fulfillment of the
13 threat upon which the charge is based; and

14 (4) the court finds that no condition or combination of
15 conditions set forth in subsection (b) of Section 110-10 of
16 this Code, including mental health treatment at a community
17 mental health center, hospital, or facility of the
18 Department of Human Services, can reasonably assure the
19 physical safety of the alleged victim of the offense.

20 (c) Conduct of the hearings.

21 (1) The hearing on the defendant's culpability and
22 threat to the alleged victim of the offense shall be
23 conducted in accordance with the following provisions:

24 (A) Information used by the court in its findings
25 or stated in or offered at the hearing may be by way of
26 proffer based upon reliable information offered by the

1 State or by defendant. Defendant has the right to be
2 represented by counsel, and if he is indigent, to have
3 counsel appointed for him. Defendant shall have the
4 opportunity to testify, to present witnesses in his own
5 behalf, and to cross-examine witnesses if any are
6 called by the State. The defendant has the right to
7 present witnesses in his favor. When the ends of
8 justice so require, the court may exercise its
9 discretion and compel the appearance of a complaining
10 witness. The court shall state on the record reasons
11 for granting a defense request to compel the presence
12 of a complaining witness. Cross-examination of a
13 complaining witness at the pretrial detention hearing
14 for the purpose of impeaching the witness' credibility
15 is insufficient reason to compel the presence of the
16 witness. In deciding whether to compel the appearance
17 of a complaining witness, the court shall be
18 considerate of the emotional and physical well-being
19 of the witness. The pretrial detention hearing is not
20 to be used for the purposes of discovery, and the post
21 arraignment rules of discovery do not apply. The State
22 shall tender to the defendant, prior to the hearing,
23 copies of defendant's criminal history, if any, if
24 available, and any written or recorded statements and
25 the substance of any oral statements made by any
26 person, if relied upon by the State. The rules

1 concerning the admissibility of evidence in criminal
2 trials do not apply to the presentation and
3 consideration of information at the hearing. At the
4 trial concerning the offense for which the hearing was
5 conducted neither the finding of the court nor any
6 transcript or other record of the hearing shall be
7 admissible in the State's case in chief, but shall be
8 admissible for impeachment, or as provided in Section
9 115-10.1 of this Code, or in a perjury proceeding.

10 (B) A motion by the defendant to suppress evidence
11 or to suppress a confession shall not be entertained.
12 Evidence that proof may have been obtained as the
13 result of an unlawful search and seizure or through
14 improper interrogation is not relevant to this state of
15 the prosecution.

16 (2) The facts relied upon by the court to support a
17 finding that:

18 (A) the defendant poses a real and present threat
19 to the physical safety of the alleged victim of the
20 offense; and

21 (B) the denial of release on bail or personal
22 recognizance is necessary to prevent fulfillment of
23 the threat upon which the charge is based;
24 shall be supported by clear and convincing evidence
25 presented by the State.

26 (d) Factors to be considered in making a determination of

1 the threat to the alleged victim of the offense. The court may,
2 in determining whether the defendant poses, at the time of the
3 hearing, a real and present threat to the physical safety of
4 the alleged victim of the offense, consider but shall not be
5 limited to evidence or testimony concerning:

6 (1) The nature and circumstances of the offense
7 charged;

8 (2) The history and characteristics of the defendant
9 including:

10 (A) Any evidence of the defendant's prior criminal
11 history indicative of violent, abusive or assaultive
12 behavior, or lack of that behavior. The evidence may
13 include testimony or documents received in juvenile
14 proceedings, criminal, quasi-criminal, civil
15 commitment, domestic relations or other proceedings;

16 (B) Any evidence of the defendant's psychological,
17 psychiatric or other similar social history that tends
18 to indicate a violent, abusive, or assaultive nature,
19 or lack of any such history.

20 (3) The nature of the threat which is the basis of the
21 charge against the defendant;

22 (4) Any statements made by, or attributed to the
23 defendant, together with the circumstances surrounding
24 them;

25 (5) The age and physical condition of any person
26 assaulted by the defendant;

1 (6) Whether the defendant is known to possess or have
2 access to any weapon or weapons;

3 (7) Whether, at the time of the current offense or any
4 other offense or arrest, the defendant was on probation,
5 parole, mandatory supervised release or other release from
6 custody pending trial, sentencing, appeal or completion of
7 sentence for an offense under federal or state law;

8 (8) Any other factors, including those listed in
9 Section 110-5 of this Code, deemed by the court to have a
10 reasonable bearing upon the defendant's propensity or
11 reputation for violent, abusive or assaultive behavior, or
12 lack of that behavior.

13 (e) The court shall, in any order denying bail to a person
14 charged with stalking or aggravated stalking:

15 (1) briefly summarize the evidence of the defendant's
16 culpability and its reasons for concluding that the
17 defendant should be held without bail;

18 (2) direct that the defendant be committed to the
19 custody of the sheriff for confinement in the county jail
20 pending trial;

21 (3) direct that the defendant be given a reasonable
22 opportunity for private consultation with counsel, and for
23 communication with others of his choice by visitation, mail
24 and telephone; and

25 (4) direct that the sheriff deliver the defendant as
26 required for appearances in connection with court

1 proceedings.

2 (f) If the court enters an order for the detention of the
3 defendant under subsection (e) of this Section, the defendant
4 shall be brought to trial on the offense for which he is
5 detained within 90 days after the date on which the order for
6 detention was entered. If the defendant is not brought to trial
7 within the 90 day period required by this subsection (f), he
8 shall not be held longer without bail. In computing the 90 day
9 period, the court shall omit any period of delay resulting from
10 a continuance granted at the request of the defendant. The
11 court shall immediately notify the alleged victim of the
12 offense that the defendant has been admitted to bail under this
13 subsection.

14 (g) Any person shall be entitled to appeal any order
15 entered under this Section denying bail to the defendant.

16 (h) The State may appeal any order entered under this
17 Section denying any motion for denial of bail.

18 (i) Nothing in this Section shall be construed as modifying
19 or limiting in any way the defendant's presumption of innocence
20 in further criminal proceedings.

21 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

22 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

23 Sec. 110-10. Conditions of bail bond.

24 (a) If a person is released prior to conviction, either
25 upon payment of bail security or on his or her own

1 recognizance, the conditions of the bail bond shall be that he
2 or she will:

3 (1) Appear to answer the charge in the court having
4 jurisdiction on a day certain and thereafter as ordered by
5 the court until discharged or final order of the court;

6 (2) Submit himself or herself to the orders and process
7 of the court;

8 (3) Not depart this State without leave of the court;

9 (4) Not violate any criminal statute of any
10 jurisdiction;

11 (5) At a time and place designated by the court,
12 surrender all firearms in his or her possession to a law
13 enforcement officer designated by the court to take custody
14 of and impound the firearms and physically surrender his or
15 her Firearm Owner's Identification Card to the clerk of the
16 circuit court when the offense the person has been charged
17 with is a forcible felony, stalking, aggravated stalking,
18 domestic battery, any violation of the Illinois Controlled
19 Substances Act, the Methamphetamine Control and Community
20 Protection Act, or the Cannabis Control Act that is
21 classified as a Class 2 or greater felony, or any felony
22 violation of Article 24 of the Criminal Code of 1961; the
23 court may, however, forgo the imposition of this condition
24 when the circumstances of the case clearly do not warrant
25 it or when its imposition would be impractical; all legally
26 possessed firearms shall be returned to the person upon the

1 charges being dismissed, or if the person is found not
2 guilty, unless the finding of not guilty is by reason of
3 insanity; and

4 (6) At a time and place designated by the court, submit
5 to a psychological evaluation when the person has been
6 charged with a violation of item (4) of subsection (a) of
7 Section 24-1 of the Criminal Code of 1961 and that
8 violation occurred in a school or in any conveyance owned,
9 leased, or contracted by a school to transport students to
10 or from school or a school-related activity, or on any
11 public way within 1,000 feet of real property comprising
12 any school.

13 Psychological evaluations ordered pursuant to this Section
14 shall be completed promptly and made available to the State,
15 the defendant, and the court. As a further condition of bail
16 under these circumstances, the court shall order the defendant
17 to refrain from entering upon the property of the school,
18 including any conveyance owned, leased, or contracted by a
19 school to transport students to or from school or a
20 school-related activity, or on any public way within 1,000 feet
21 of real property comprising any school. Upon receipt of the
22 psychological evaluation, either the State or the defendant may
23 request a change in the conditions of bail, pursuant to Section
24 110-6 of this Code. The court may change the conditions of bail
25 to include a requirement that the defendant follow the
26 recommendations of the psychological evaluation, including

1 undergoing psychiatric treatment. The conclusions of the
2 psychological evaluation and any statements elicited from the
3 defendant during its administration are not admissible as
4 evidence of guilt during the course of any trial on the charged
5 offense, unless the defendant places his or her mental
6 competency in issue.

7 (b) The court may impose other conditions, such as the
8 following, if the court finds that such conditions are
9 reasonably necessary to assure the defendant's appearance in
10 court, protect the public from the defendant, or prevent the
11 defendant's unlawful interference with the orderly
12 administration of justice:

13 (1) Report to or appear in person before such person or
14 agency as the court may direct;

15 (2) Refrain from possessing a firearm or other
16 dangerous weapon;

17 (3) Refrain from approaching or communicating with
18 particular persons or classes of persons;

19 (4) Refrain from going to certain described
20 geographical areas or premises;

21 (5) Refrain from engaging in certain activities or
22 indulging in intoxicating liquors or in certain drugs;

23 (6) Undergo treatment for drug addiction or
24 alcoholism;

25 (7) Undergo medical or psychiatric treatment;

26 (8) Work or pursue a course of study or vocational

1 training;

2 (9) Attend or reside in a facility designated by the
3 court;

4 (10) Support his or her dependents;

5 (11) If a minor resides with his or her parents or in a
6 foster home, attend school, attend a non-residential
7 program for youths, and contribute to his or her own
8 support at home or in a foster home;

9 (12) Observe any curfew ordered by the court;

10 (13) Remain in the custody of such designated person or
11 organization agreeing to supervise his release. Such third
12 party custodian shall be responsible for notifying the
13 court if the defendant fails to observe the conditions of
14 release which the custodian has agreed to monitor, and
15 shall be subject to contempt of court for failure so to
16 notify the court;

17 (14) Be placed under direct supervision of the Pretrial
18 Services Agency, Probation Department or Court Services
19 Department in a pretrial bond home supervision capacity
20 with or without the use of an approved electronic
21 monitoring device subject to Article 8A of Chapter V of the
22 Unified Code of Corrections;

23 (14.1) The court shall impose upon a defendant who is
24 charged with any alcohol, cannabis, methamphetamine, or
25 controlled substance violation and is placed under direct
26 supervision of the Pretrial Services Agency, Probation

1 Department or Court Services Department in a pretrial bond
2 home supervision capacity with the use of an approved
3 monitoring device, as a condition of such bail bond, a fee
4 that represents costs incidental to the electronic
5 monitoring for each day of such bail supervision ordered by
6 the court, unless after determining the inability of the
7 defendant to pay the fee, the court assesses a lesser fee
8 or no fee as the case may be. The fee shall be collected by
9 the clerk of the circuit court. The clerk of the circuit
10 court shall pay all monies collected from this fee to the
11 county treasurer for deposit in the substance abuse
12 services fund under Section 5-1086.1 of the Counties Code;

13 (14.2) The court shall impose upon all defendants,
14 including those defendants subject to paragraph (14.1)
15 above, placed under direct supervision of the Pretrial
16 Services Agency, Probation Department or Court Services
17 Department in a pretrial bond home supervision capacity
18 with the use of an approved monitoring device, as a
19 condition of such bail bond, a fee which shall represent
20 costs incidental to such electronic monitoring for each day
21 of such bail supervision ordered by the court, unless after
22 determining the inability of the defendant to pay the fee,
23 the court assesses a lesser fee or no fee as the case may
24 be. The fee shall be collected by the clerk of the circuit
25 court. The clerk of the circuit court shall pay all monies
26 collected from this fee to the county treasurer who shall

1 use the monies collected to defray the costs of
2 corrections. The county treasurer shall deposit the fee
3 collected in the county working cash fund under Section
4 6-27001 or Section 6-29002 of the Counties Code, as the
5 case may be;

6 (14.3) The Chief Judge of the Judicial Circuit may
7 establish reasonable fees to be paid by a person receiving
8 pretrial services while under supervision of a pretrial
9 services agency, probation department, or court services
10 department. Reasonable fees may be charged for pretrial
11 services including, but not limited to, pretrial
12 supervision, diversion programs, electronic monitoring,
13 victim impact services, drug and alcohol testing, DNA
14 testing, GPS electronic monitoring, assessments and
15 evaluations related to domestic violence and other
16 victims, and victim mediation services. The person
17 receiving pretrial services may be ordered to pay all costs
18 incidental to pretrial services in accordance with his or
19 her ability to pay those costs;

20 (14.4) For persons charged with violating Section
21 11-501 of the Illinois Vehicle Code, refrain from operating
22 a motor vehicle not equipped with an ignition interlock
23 device, as defined in Section 1-129.1 of the Illinois
24 Vehicle Code, pursuant to the rules promulgated by the
25 Secretary of State for the installation of ignition
26 interlock devices. Under this condition the court may allow

1 a defendant who is not self-employed to operate a vehicle
2 owned by the defendant's employer that is not equipped with
3 an ignition interlock device in the course and scope of the
4 defendant's employment;

5 (15) Comply with the terms and conditions of an order
6 of protection issued by the court under the Illinois
7 Domestic Violence Act of 1986 or an order of protection
8 issued by the court of another state, tribe, or United
9 States territory;

10 (16) Under Section 110-6.5 comply with the conditions
11 of the drug testing program; and

12 (17) Such other reasonable conditions as the court may
13 impose.

14 (c) When a person is charged with an offense under Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
16 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",
17 involving a victim who is a minor under 18 years of age living
18 in the same household with the defendant at the time of the
19 offense, in granting bail or releasing the defendant on his own
20 recognizance, the judge shall impose conditions to restrict the
21 defendant's access to the victim which may include, but are not
22 limited to conditions that he will:

- 23 1. Vacate the Household.
- 24 2. Make payment of temporary support to his dependents.
- 25 3. Refrain from contact or communication with the child
26 victim, except as ordered by the court.

1 (d) When a person is charged with a criminal offense and
2 the victim is a family or household member as defined in
3 Article 112A, conditions shall be imposed at the time of the
4 defendant's release on bond that restrict the defendant's
5 access to the victim. Unless provided otherwise by the court,
6 the restrictions shall include requirements that the defendant
7 do the following:

8 (1) refrain from contact or communication with the
9 victim for a minimum period of 72 hours following the
10 defendant's release; and

11 (2) refrain from entering or remaining at the victim's
12 residence for a minimum period of 72 hours following the
13 defendant's release.

14 (e) Local law enforcement agencies shall develop
15 standardized bond forms for use in cases involving family or
16 household members as defined in Article 112A, including
17 specific conditions of bond as provided in subsection (d).
18 Failure of any law enforcement department to develop or use
19 those forms shall in no way limit the applicability and
20 enforcement of subsections (d) and (f).

21 (f) If the defendant is admitted to bail after conviction
22 the conditions of the bail bond shall be that he will, in
23 addition to the conditions set forth in subsections (a) and (b)
24 hereof:

25 (1) Duly prosecute his appeal;

26 (2) Appear at such time and place as the court may

1 direct;

2 (3) Not depart this State without leave of the court;

3 (4) Comply with such other reasonable conditions as the
4 court may impose; and

5 (5) If the judgment is affirmed or the cause reversed
6 and remanded for a new trial, forthwith surrender to the
7 officer from whose custody he was bailed.

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender, at a time and place
10 designated by the court, any and all firearms in his or her
11 possession and his or her Firearm Owner's Identification Card
12 as a condition of remaining on bond pending sentencing.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-340, eff. 8-11-09.)

14 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

15 Sec. 111-8. Orders of protection to prohibit domestic
16 violence.

17 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
18 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
19 11-1.60, 11-14.3 that involves soliciting for a prostitute,
20 11-14.4 that involves soliciting for a juvenile prostitute,
21 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
22 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5,
23 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
24 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2, or 21-3 of the
25 Criminal Code of 1961 or Section 1-1 of the Harassing and

1 Obscene Communications Act is alleged in an information,
2 complaint or indictment on file, and the alleged offender and
3 victim are family or household members, as defined in the
4 Illinois Domestic Violence Act, as now or hereafter amended,
5 the People through the respective State's Attorneys may by
6 separate petition and upon notice to the defendant, except as
7 provided in subsection (c) herein, request the court to issue
8 an order of protection.

9 (b) In addition to any other remedies specified in Section
10 208 of the Illinois Domestic Violence Act, as now or hereafter
11 amended, the order may direct the defendant to initiate no
12 contact with the alleged victim or victims who are family or
13 household members and to refrain from entering the residence,
14 school or place of business of the alleged victim or victims.

15 (c) The court may grant emergency relief without notice
16 upon a showing of immediate and present danger of abuse to the
17 victim or minor children of the victim and may enter a
18 temporary order pending notice and full hearing on the matter.

19 (Source: P.A. 94-325, eff. 1-1-06.)

20 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

21 Sec. 114-4. Motion for continuance.

22 (a) The defendant or the State may move for a continuance.
23 If the motion is made more than 30 days after arraignment the
24 court shall require that it be in writing and supported by
25 affidavit.

1 (b) A written motion for continuance made by defendant more
2 than 30 days after arraignment may be granted when:

3 (1) Counsel for the defendant is ill, has died, or is
4 held to trial in another cause; or

5 (2) Counsel for the defendant has been unable to
6 prepare for trial because of illness or because he has been
7 held to trial in another cause; or

8 (3) A material witness is unavailable and the defense
9 will be prejudiced by the absence of his testimony;
10 however, this shall not be a ground for continuance if the
11 State will stipulate that the testimony of the witness
12 would be as alleged; or

13 (4) The defendant cannot stand trial because of
14 physical or mental incompetency; or

15 (5) Pre-trial publicity concerning the case has caused
16 a prejudice against defendant on the part of the community;
17 or

18 (6) The amendment of a charge or a bill of particulars
19 has taken the defendant by surprise and he cannot fairly
20 defend against such an amendment without a continuance.

21 (c) A written motion for continuance made by the State more
22 than 30 days after arraignment may be granted when:

23 (1) The prosecutor assigned to the case is ill, has
24 died, or is held to trial in another cause; or

25 (2) A material witness is unavailable and the
26 prosecution will be prejudiced by the absence of his

1 testimony; however this shall not be a ground for
2 continuance if the defendant will stipulate that the
3 testimony of the witness would be as alleged; or

4 (3) Pre-trial publicity concerning the case has caused
5 a prejudice against the prosecution on the part of the
6 community.

7 (d) The court may upon the written motion of either party
8 or upon the court's own motion order a continuance for grounds
9 not stated in subsections (b) and (c) of this Section if he
10 finds that the interests of justice so require.

11 (e) All motions for continuance are addressed to the
12 discretion of the trial court and shall be considered in the
13 light of the diligence shown on the part of the movant. Where 1
14 year has expired since the filing of an information or
15 indictments, filed after January 1, 1980, if the court finds
16 that the State has failed to use due diligence in bringing the
17 case to trial, the court may, after a hearing had on the cause,
18 on its own motion, dismiss the information or indictment. Any
19 demand that the defendant had made for a speedy trial under
20 Section 103-5 of this code shall not abate if the State files a
21 new information or the grand jury reindicts in the cause.

22 After a hearing has been held upon the issue of the State's
23 diligence and the court has found that the State has failed to
24 use due diligence in pursuing the prosecution, the court may
25 not dismiss the indictment or information without granting the
26 State one more court date upon which to proceed. Such date

1 shall be not less than 14 nor more than 30 days from the date of
2 the court's finding. If the State is not prepared to proceed
3 upon that date, the court shall dismiss the indictment or
4 information, as provided in this Section.

5 (f) After trial has begun a reasonably brief continuance
6 may be granted to either side in the interests of justice.

7 (g) During the time the General Assembly is in session, the
8 court shall, on motion of either party or on its own motion,
9 grant a continuance where the party or his attorney is a member
10 of either house of the General Assembly whose presence is
11 necessary for the full, fair trial of the cause and, in the
12 case of an attorney, where the attorney was retained by the
13 party before the cause was set for trial.

14 (h) This Section shall be construed to the end that
15 criminal cases are tried with due diligence consonant with the
16 rights of the defendant and the State to a speedy, fair and
17 impartial trial.

18 (i) Physical incapacity of a defendant may be grounds for a
19 continuance at any time. If, upon written motion of the
20 defendant or the State or upon the court's own motion, and
21 after presentation of affidavits or evidence, the court
22 determines that the defendant is physically unable to appear in
23 court or to assist in his defense, or that such appearance
24 would endanger his health or result in substantial prejudice, a
25 continuance shall be granted. If such continuance precedes the
26 appearance of counsel for such defendant the court shall

1 simultaneously appoint counsel in the manner prescribed by
2 Section 113-3 of this Act. Such continuance shall suspend the
3 provisions of Section 103-5 of this Act, which periods of time
4 limitation shall commence anew when the court, after
5 presentation of additional affidavits or evidence, has
6 determined that such physical incapacity has been
7 substantially removed.

8 (j) In actions arising out of building code violations or
9 violations of municipal ordinances caused by the failure of a
10 building or structure to conform to the minimum standards of
11 health and safety, the court shall grant a continuance only
12 upon a written motion by the party seeking the continuance
13 specifying the reason why such continuance should be granted.

14 (k) In prosecutions for violations of Section 10-1, 10-2,
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
16 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961"
17 involving a victim or witness who is a minor under 18 years of
18 age, the court shall, in ruling on any motion or other request
19 for a delay or continuance of proceedings, consider and give
20 weight to the adverse impact the delay or continuance may have
21 on the well-being of a child or witness.

22 (l) The court shall consider the age of the victim and the
23 condition of the victim's health when ruling on a motion for a
24 continuance.

25 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

1 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

2 Sec. 115-7. a. In prosecutions for predatory criminal
3 sexual assault of a child, aggravated criminal sexual assault,
4 criminal sexual assault, aggravated criminal sexual abuse,
5 criminal sexual abuse, or criminal transmission of HIV; and in
6 prosecutions for battery and aggravated battery, when the
7 commission of the offense involves sexual penetration or sexual
8 conduct as defined in Section 11-0.1 ~~12-12~~ of the Criminal Code
9 of 1961; and with the trial or retrial of the offenses formerly
10 known as rape, deviate sexual assault, indecent liberties with
11 a child, and aggravated indecent liberties with a child, the
12 prior sexual activity or the reputation of the alleged victim
13 or corroborating witness under Section 115-7.3 of this Code is
14 inadmissible except (1) as evidence concerning the past sexual
15 conduct of the alleged victim or corroborating witness under
16 Section 115-7.3 of this Code with the accused when this
17 evidence is offered by the accused upon the issue of whether
18 the alleged victim or corroborating witness under Section
19 115-7.3 of this Code consented to the sexual conduct with
20 respect to which the offense is alleged; or (2) when
21 constitutionally required to be admitted.

22 b. No evidence admissible under this Section shall be
23 introduced unless ruled admissible by the trial judge after an
24 offer of proof has been made at a hearing to be held in camera
25 in order to determine whether the defense has evidence to
26 impeach the witness in the event that prior sexual activity

1 with the defendant is denied. Such offer of proof shall include
2 reasonably specific information as to the date, time and place
3 of the past sexual conduct between the alleged victim or
4 corroborating witness under Section 115-7.3 of this Code and
5 the defendant. Unless the court finds that reasonably specific
6 information as to date, time or place, or some combination
7 thereof, has been offered as to prior sexual activity with the
8 defendant, counsel for the defendant shall be ordered to
9 refrain from inquiring into prior sexual activity between the
10 alleged victim or corroborating witness under Section 115-7.3
11 of this Code and the defendant. The court shall not admit
12 evidence under this Section unless it determines at the hearing
13 that the evidence is relevant and the probative value of the
14 evidence outweighs the danger of unfair prejudice. The evidence
15 shall be admissible at trial to the extent an order made by the
16 court specifies the evidence that may be admitted and areas
17 with respect to which the alleged victim or corroborating
18 witness under Section 115-7.3 of this Code may be examined or
19 cross examined.

20 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;
21 90-132, eff. 1-1-98.)

22 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

23 Sec. 115-7.2. In a prosecution for an illegal sexual act
24 perpetrated upon a victim, including but not limited to
25 prosecutions for violations of Sections 11-1.20 through

1 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, or
2 ritualized abuse of a child under Section 12-33 of the Criminal
3 Code of 1961, testimony by an expert, qualified by the court
4 relating to any recognized and accepted form of post-traumatic
5 stress syndrome shall be admissible as evidence.

6 (Source: P.A. 87-1167.)

7 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

8 Sec. 115-10. Certain hearsay exceptions.

9 (a) In a prosecution for a physical or sexual act
10 perpetrated upon or against a child under the age of 13, or a
11 person who was a moderately, severely, or profoundly mentally
12 retarded person as defined in this Code and in Section 2-10.1
13 of the Criminal Code of 1961 at the time the act was committed,
14 including but not limited to prosecutions for violations of
15 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the
16 Criminal Code of 1961 and prosecutions for violations of
17 Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3
18 (unlawful restraint), 10-3.1 (aggravated unlawful restraint),
19 10-4 (forcible detention), 10-5 (child abduction), 10-6
20 (harboring a runaway), 10-7 (aiding or abetting child
21 abduction), 11-9 (public indecency), 11-11 (sexual relations
22 within families), 11-21 (harmful material), 12-1 (assault),
23 12-2 (aggravated assault), 12-3 (battery), 12-3.2 (domestic
24 battery), 12-4 (aggravated battery), 12-4.1 (heinous battery),
25 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated

1 battery of a child), 12-4.7 (drug induced infliction of great
2 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),
3 12-6.1 (compelling organization membership of persons), 12-7.1
4 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),
5 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5
6 (child abandonment), 12-21.6 (endangering the life or health of
7 a child) or 12-32 (ritual mutilation) of the Criminal Code of
8 1961 or any sex offense as defined in subsection (B) of Section
9 2 of the Sex Offender Registration Act, the following evidence
10 shall be admitted as an exception to the hearsay rule:

11 (1) testimony by the victim of an out of court
12 statement made by the victim that he or she complained of
13 such act to another; and

14 (2) testimony of an out of court statement made by the
15 victim describing any complaint of such act or matter or
16 detail pertaining to any act which is an element of an
17 offense which is the subject of a prosecution for a sexual
18 or physical act against that victim.

19 (b) Such testimony shall only be admitted if:

20 (1) The court finds in a hearing conducted outside the
21 presence of the jury that the time, content, and
22 circumstances of the statement provide sufficient
23 safeguards of reliability; and

24 (2) The child or moderately, severely, or profoundly
25 mentally retarded person either:

26 (A) testifies at the proceeding; or

1 (B) is unavailable as a witness and there is
2 corroborative evidence of the act which is the subject
3 of the statement; and

4 (3) In a case involving an offense perpetrated against
5 a child under the age of 13, the out of court statement was
6 made before the victim attained 13 years of age or within 3
7 months after the commission of the offense, whichever
8 occurs later, but the statement may be admitted regardless
9 of the age of the victim at the time of the proceeding.

10 (c) If a statement is admitted pursuant to this Section,
11 the court shall instruct the jury that it is for the jury to
12 determine the weight and credibility to be given the statement
13 and that, in making the determination, it shall consider the
14 age and maturity of the child, or the intellectual capabilities
15 of the moderately, severely, or profoundly mentally retarded
16 person, the nature of the statement, the circumstances under
17 which the statement was made, and any other relevant factor.

18 (d) The proponent of the statement shall give the adverse
19 party reasonable notice of his intention to offer the statement
20 and the particulars of the statement.

21 (e) Statements described in paragraphs (1) and (2) of
22 subsection (a) shall not be excluded on the basis that they
23 were obtained as a result of interviews conducted pursuant to a
24 protocol adopted by a Child Advocacy Advisory Board as set
25 forth in subsections (c), (d), and (e) of Section 3 of the
26 Children's Advocacy Center Act or that an interviewer or

1 witness to the interview was or is an employee, agent, or
2 investigator of a State's Attorney's office.

3 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

4 (725 ILCS 5/115-10.3)

5 Sec. 115-10.3. Hearsay exception regarding elder adults.

6 (a) In a prosecution for a physical act, abuse, neglect, or
7 financial exploitation perpetrated upon or against an eligible
8 adult, as defined in the Elder Abuse and Neglect Act, who has
9 been diagnosed by a physician to suffer from (i) any form of
10 dementia, developmental disability, or other form of mental
11 incapacity or (ii) any physical infirmity, including but not
12 limited to prosecutions for violations of Sections 10-1, 10-2,
13 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
14 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2,
15 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,
16 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1,
17 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2
18 of the Criminal Code of 1961, the following evidence shall be
19 admitted as an exception to the hearsay rule:

20 (1) testimony by an eligible adult, of an out of court
21 statement made by the eligible adult, that he or she
22 complained of such act to another; and

23 (2) testimony of an out of court statement made by the
24 eligible adult, describing any complaint of such act or
25 matter or detail pertaining to any act which is an element

1 of an offense which is the subject of a prosecution for a
2 physical act, abuse, neglect, or financial exploitation
3 perpetrated upon or against the eligible adult.

4 (b) Such testimony shall only be admitted if:

5 (1) The court finds in a hearing conducted outside the
6 presence of the jury that the time, content, and
7 circumstances of the statement provide sufficient
8 safeguards of reliability; and

9 (2) The eligible adult either:

10 (A) testifies at the proceeding; or

11 (B) is unavailable as a witness and there is
12 corroborative evidence of the act which is the subject
13 of the statement.

14 (c) If a statement is admitted pursuant to this Section,
15 the court shall instruct the jury that it is for the jury to
16 determine the weight and credibility to be given the statement
17 and that, in making the determination, it shall consider the
18 condition of the eligible adult, the nature of the statement,
19 the circumstances under which the statement was made, and any
20 other relevant factor.

21 (d) The proponent of the statement shall give the adverse
22 party reasonable notice of his or her intention to offer the
23 statement and the particulars of the statement.

24 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

25 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

1 Sec. 115-11. In a prosecution for a criminal offense
2 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,
3 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
4 "Criminal Code of 1961", where the alleged victim of the
5 offense is a minor under 18 years of age, the court may exclude
6 from the proceedings while the victim is testifying, all
7 persons, who, in the opinion of the court, do not have a direct
8 interest in the case, except the media.

9 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

10 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

11 Sec. 115-11.1. Use of "Rape". The use of the word "rape",
12 "rapist", or any derivative of "rape" by any victim, witness,
13 State's Attorney, defense attorney, judge or other court
14 personnel in any prosecutions of offenses in Sections 11-1.20
15 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
16 1961, as amended, is not inadmissible.

17 (Source: P.A. 83-1117.)

18 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

19 Sec. 115-13. In a prosecution for violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
21 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",
22 statements made by the victim to medical personnel for purposes
23 of medical diagnosis or treatment including descriptions of the
24 cause of symptom, pain or sensations, or the inception or

1 general character of the cause or external source thereof
2 insofar as reasonably pertinent to diagnosis or treatment shall
3 be admitted as an exception to the hearsay rule.

4 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

5 (725 ILCS 5/115-16)

6 Sec. 115-16. Witness disqualification. No person shall be
7 disqualified as a witness in a criminal case or proceeding by
8 reason of his or her interest in the event of the case or
9 proceeding, as a party or otherwise, or by reason of his or her
10 having been convicted of a crime; but the interest or
11 conviction may be shown for the purpose of affecting the
12 credibility of the witness. A defendant in a criminal case or
13 proceeding shall only at his or her own request be deemed a
14 competent witness, and the person's neglect to testify shall
15 not create a presumption against the person, nor shall the
16 court permit a reference or comment to be made to or upon that
17 neglect.

18 In criminal cases, husband and wife may testify for or
19 against each other. Neither, however, may testify as to any
20 communication or admission made by either of them to the other
21 or as to any conversation between them during marriage, except
22 in cases in which either is charged with an offense against the
23 person or property of the other, in case of spouse abandonment,
24 when the interests of their child or children or of any child
25 or children in either spouse's care, custody, or control are

1 directly involved, when either is charged with or under
2 investigation for an offense under Section 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
4 12-16 of the Criminal Code of 1961 and the victim is a minor
5 under 18 years of age in either spouse's care, custody, or
6 control at the time of the offense, or as to matters in which
7 either has acted as agent of the other.

8 (Source: P.A. 96-1242, eff. 7-23-10.)

9 (725 ILCS 5/116-4)

10 Sec. 116-4. Preservation of evidence for forensic testing.

11 (a) Before or after the trial in a prosecution for a
12 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
13 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
14 Code of 1961 or in a prosecution for an offense defined in
15 Article 9 of that Code, or in a prosecution for an attempt in
16 violation of Section 8-4 of that Code of any of the
17 above-enumerated offenses, unless otherwise provided herein
18 under subsection (b) or (c), a law enforcement agency or an
19 agent acting on behalf of the law enforcement agency shall
20 preserve, subject to a continuous chain of custody, any
21 physical evidence in their possession or control that is
22 reasonably likely to contain forensic evidence, including, but
23 not limited to, fingerprints or biological material secured in
24 relation to a trial and with sufficient documentation to locate
25 that evidence.

1 (b) After a judgment of conviction is entered, the evidence
2 shall either be impounded with the Clerk of the Circuit Court
3 or shall be securely retained by a law enforcement agency.
4 Retention shall be permanent in cases where a sentence of death
5 is imposed. Retention shall be until the completion of the
6 sentence, including the period of mandatory supervised release
7 for the offense, or January 1, 2006, whichever is later, for
8 any conviction for an offense or an attempt of an offense
9 defined in Article 9 of the Criminal Code of 1961 or in Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for 7
12 years following any conviction for any other felony for which
13 the defendant's genetic profile may be taken by a law
14 enforcement agency and submitted for comparison in a forensic
15 DNA database for unsolved offenses.

16 (c) After a judgment of conviction is entered, the law
17 enforcement agency required to retain evidence described in
18 subsection (a) may petition the court with notice to the
19 defendant or, in cases where the defendant has died, his
20 estate, his attorney of record, or an attorney appointed for
21 that purpose by the court for entry of an order allowing it to
22 dispose of evidence if, after a hearing, the court determines
23 by a preponderance of the evidence that:

24 (1) it has no significant value for forensic science
25 analysis and should be returned to its rightful owner,
26 destroyed, used for training purposes, or as otherwise

1 provided by law; or

2 (2) it has no significant value for forensic science
3 analysis and is of a size, bulk, or physical character not
4 usually retained by the law enforcement agency and cannot
5 practicably be retained by the law enforcement agency; or

6 (3) there no longer exists a reasonable basis to
7 require the preservation of the evidence because of the
8 death of the defendant; however, this paragraph (3) does
9 not apply if a sentence of death was imposed.

10 (d) The court may order the disposition of the evidence if
11 the defendant is allowed the opportunity to take reasonable
12 measures to remove or preserve portions of the evidence in
13 question for future testing.

14 (d-5) Any order allowing the disposition of evidence
15 pursuant to subsection (c) or (d) shall be a final and
16 appealable order. No evidence shall be disposed of until 30
17 days after the order is entered, and if a notice of appeal is
18 filed, no evidence shall be disposed of until the mandate has
19 been received by the circuit court from the appellate court.

20 (d-10) All records documenting the possession, control,
21 storage, and destruction of evidence and all police reports,
22 evidence control or inventory records, and other reports cited
23 in this Section, including computer records, must be retained
24 for as long as the evidence exists and may not be disposed of
25 without the approval of the Local Records Commission.

26 (e) In this Section, "law enforcement agency" includes any

1 of the following or an agent acting on behalf of any of the
2 following: a municipal police department, county sheriff's
3 office, any prosecuting authority, the Department of State
4 Police, or any other State, university, county, federal, or
5 municipal police unit or police force.

6 "Biological material" includes, but is not limited to, any
7 blood, hair, saliva, or semen from which genetic marker
8 groupings may be obtained.

9 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

10 (725 ILCS 5/124B-10)

11 Sec. 124B-10. Applicability; offenses. This Article
12 applies to forfeiture of property in connection with the
13 following:

14 (1) A violation of Section 10A-10 of the Criminal Code
15 of 1961 (involuntary servitude; involuntary servitude of a
16 minor; trafficking of persons for forced labor or
17 services).

18 (2) A violation of subdivision (a)(1) of Section
19 11-14.4 of the Criminal Code of 1961 (promoting juvenile
20 prostitution) or a violation of Section 11-17.1 of the
21 Criminal Code of 1961 (keeping a place of juvenile
22 prostitution).

23 (3) A violation of subdivision (a)(4) of Section
24 11-14.4 of the Criminal Code of 1961 (promoting juvenile
25 prostitution) or a violation of Section 11-19.2 of the

1 Criminal Code of 1961 (exploitation of a child).

2 (4) A violation of Section 11-20 of the Criminal Code
3 of 1961 (obscenity).

4 (5) A second or subsequent violation of Section 11-20.1
5 of the Criminal Code of 1961 (child pornography).

6 (6) A violation of Section 11-20.1B or 11-20.3 of the
7 Criminal Code of 1961 (aggravated child pornography).

8 (7) A violation of Section 16D-5 of the Criminal Code
9 of 1961 (computer fraud).

10 (8) A felony violation of Article 17B of the Criminal
11 Code of 1961 (WIC fraud).

12 (9) A felony violation of Section 26-5 of the Criminal
13 Code of 1961 (dog fighting).

14 (10) A violation of Article 29D of the Criminal Code of
15 1961 (terrorism).

16 (11) A felony violation of Section 4.01 of the Humane
17 Care for Animals Act (animals in entertainment).

18 (Source: P.A. 96-712, eff. 1-1-10.)

19 (725 ILCS 5/124B-100)

20 Sec. 124B-100. Definition; "offense". For purposes of this
21 Article, "offense" is defined as follows:

22 (1) In the case of forfeiture authorized under Section
23 10A-15 of the Criminal Code of 1961, "offense" means the
24 offense of involuntary servitude, involuntary servitude of
25 a minor, or trafficking of persons for forced labor or

1 services in violation of Section 10A-10 of that Code.

2 (2) In the case of forfeiture authorized under
3 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
4 of the Criminal Code of 1961, "offense" means the offense
5 of promoting juvenile prostitution or keeping a place of
6 juvenile prostitution in violation of subdivision (a)(1)
7 of Section 11-14.4, or Section 11-17.1, of that Code.

8 (3) In the case of forfeiture authorized under
9 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,
10 of the Criminal Code of 1961, "offense" means the offense
11 of promoting juvenile prostitution or exploitation of a
12 child in violation of subdivision (a)(4) of Section
13 11-14.4, or Section 11-19.2, of that Code.

14 (4) In the case of forfeiture authorized under Section
15 11-20 of the Criminal Code of 1961, "offense" means the
16 offense of obscenity in violation of that Section.

17 (5) In the case of forfeiture authorized under Section
18 11-20.1 of the Criminal Code of 1961, "offense" means the
19 offense of child pornography in violation of Section
20 11-20.1 of that Code.

21 (6) In the case of forfeiture authorized under Section
22 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
23 means the offense of aggravated child pornography in
24 violation of Section 11-20.1B or 11-20.3 of that Code.

25 (7) In the case of forfeiture authorized under Section
26 16D-6 of the Criminal Code of 1961, "offense" means the

1 offense of computer fraud in violation of Section 16D-5 of
2 that Code.

3 (8) In the case of forfeiture authorized under Section
4 17B-25 of the Criminal Code of 1961, "offense" means any
5 felony violation of Article 17B of that Code.

6 (9) In the case of forfeiture authorized under Section
7 29D-65 of the Criminal Code of 1961, "offense" means any
8 offense under Article 29D of that Code.

9 (10) In the case of forfeiture authorized under Section
10 4.01 of the Humane Care for Animals Act or Section 26-5 of
11 the Criminal Code of 1961, "offense" means any felony
12 offense under either of those Sections.

13 (Source: P.A. 96-712, eff. 1-1-10.)

14 (725 ILCS 5/124B-420)

15 Sec. 124B-420. Distribution of property and sale proceeds.

16 (a) All moneys and the sale proceeds of all other property
17 forfeited and seized under this Part 400 shall be distributed
18 as follows:

19 (1) 50% shall be distributed to the unit of local
20 government whose officers or employees conducted the
21 investigation into the offense and caused the arrest or
22 arrests and prosecution leading to the forfeiture, except
23 that if the investigation, arrest or arrests, and
24 prosecution leading to the forfeiture were undertaken by
25 the sheriff, this portion shall be distributed to the

1 county for deposit into a special fund in the county
2 treasury appropriated to the sheriff. Amounts distributed
3 to the county for the sheriff or to units of local
4 government under this paragraph shall be used for
5 enforcement of laws or ordinances governing obscenity and
6 child pornography. If the investigation, arrest or
7 arrests, and prosecution leading to the forfeiture were
8 undertaken solely by a State agency, however, the portion
9 designated in this paragraph shall be paid into the State
10 treasury to be used for enforcement of laws governing
11 obscenity and child pornography.

12 (2) 25% shall be distributed to the county in which the
13 prosecution resulting in the forfeiture was instituted,
14 deposited into a special fund in the county treasury, and
15 appropriated to the State's Attorney for use in the
16 enforcement of laws governing obscenity and child
17 pornography.

18 (3) 25% shall be distributed to the Office of the
19 State's Attorneys Appellate Prosecutor and deposited into
20 the Obscenity Profits Forfeiture Fund, which is hereby
21 created in the State treasury, to be used by the Office of
22 the State's Attorneys Appellate Prosecutor for additional
23 expenses incurred in prosecuting appeals arising under
24 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
25 Criminal Code of 1961. Any amounts remaining in the Fund
26 after all additional expenses have been paid shall be used

1 by the Office to reduce the participating county
2 contributions to the Office on a pro-rated basis as
3 determined by the board of governors of the Office of the
4 State's Attorneys Appellate Prosecutor based on the
5 populations of the participating counties.

6 (b) Before any distribution under subsection (a), the
7 Attorney General or State's Attorney shall retain from the
8 forfeited moneys or sale proceeds, or both, sufficient moneys
9 to cover expenses related to the administration and sale of the
10 forfeited property.

11 (Source: P.A. 96-712, eff. 1-1-10.)

12 (725 ILCS 5/124B-500)

13 Sec. 124B-500. Persons and property subject to forfeiture.
14 A person who commits the offense of promoting juvenile
15 prostitution, keeping a place of juvenile prostitution,
16 exploitation of a child, child pornography, or aggravated child
17 pornography under subdivision (a)(1) or (a)(4) of Section
18 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,
19 or 11-20.3 of the Criminal Code of 1961 shall forfeit the
20 following property to the State of Illinois:

21 (1) Any profits or proceeds and any property the person
22 has acquired or maintained in violation of subdivision
23 (a)(1) or (a)(4) of Section 11-14.4 or in violation of
24 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of
25 the Criminal Code of 1961 that the sentencing court

1 determines, after a forfeiture hearing under this Article,
2 to have been acquired or maintained as a result of keeping
3 a place of juvenile prostitution, exploitation of a child,
4 child pornography, or aggravated child pornography.

5 (2) Any interest in, securities of, claim against, or
6 property or contractual right of any kind affording a
7 source of influence over any enterprise that the person has
8 established, operated, controlled, or conducted in
9 violation of subdivision (a)(1) or (a)(4) of Section
10 11-14.4 or in violation of Section 11-17.1, 11-19.2,
11 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961
12 that the sentencing court determines, after a forfeiture
13 hearing under this Article, to have been acquired or
14 maintained as a result of keeping a place of juvenile
15 prostitution, exploitation of a child, child pornography,
16 or aggravated child pornography.

17 (3) Any computer that contains a depiction of child
18 pornography in any encoded or decoded format in violation
19 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal
20 Code of 1961. For purposes of this paragraph (3),
21 "computer" has the meaning ascribed to it in Section 16D-2
22 of the Criminal Code of 1961.

23 (Source: P.A. 96-712, eff. 1-1-10.)

24 Section 1045. The Bill of Rights for Children is amended by
25 changing Section 3 as follows:

1 (725 ILCS 115/3) (from Ch. 38, par. 1353)

2 Sec. 3. Rights to present child impact statement.

3 (a) In any case where a defendant has been convicted of a
4 violent crime involving a child or a juvenile has been
5 adjudicated a delinquent for any offense defined in Sections
6 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20
7 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of
8 1961, except those in which both parties have agreed to the
9 imposition of a specific sentence, and a parent or legal
10 guardian of the child involved is present in the courtroom at
11 the time of the sentencing or the disposition hearing, the
12 parent or legal guardian upon his or her request shall have the
13 right to address the court regarding the impact which the
14 defendant's criminal conduct or the juvenile's delinquent
15 conduct has had upon the child. If the parent or legal guardian
16 chooses to exercise this right, the impact statement must have
17 been prepared in writing in conjunction with the Office of the
18 State's Attorney prior to the initial hearing or sentencing,
19 before it can be presented orally at the sentencing hearing.
20 The court shall consider any statements made by the parent or
21 legal guardian, along with all other appropriate factors in
22 determining the sentence of the defendant or disposition of
23 such juvenile.

24 (b) The crime victim has the right to prepare a victim
25 impact statement and present it to the office of the State's

1 Attorney at any time during the proceedings.

2 (c) This Section shall apply to any child victims of any
3 offense defined in Sections 11-1.20 through 11-1.60 or 12-13
4 through 12-16 of the Criminal Code of 1961 during any
5 dispositional hearing under Section 5-705 of the Juvenile Court
6 Act of 1987 which takes place pursuant to an adjudication of
7 delinquency for any such offense.

8 (Source: P.A. 96-292, eff. 1-1-10.)

9 Section 1047. The Rights of Crime Victims and Witnesses Act
10 is amended by changing Section 3 as follows:

11 (725 ILCS 120/3) (from Ch. 38, par. 1403)

12 Sec. 3. The terms used in this Act, unless the context
13 clearly requires otherwise, shall have the following meanings:

14 (a) "Crime victim" and "victim" mean (1) a person
15 physically injured in this State as a result of a violent crime
16 perpetrated or attempted against that person or (2) a person
17 who suffers injury to or loss of property as a result of a
18 violent crime perpetrated or attempted against that person or
19 (3) a single representative who may be the spouse, parent,
20 child or sibling of a person killed as a result of a violent
21 crime perpetrated against the person killed or the spouse,
22 parent, child or sibling of any person granted rights under
23 this Act who is physically or mentally incapable of exercising
24 such rights, except where the spouse, parent, child or sibling

1 is also the defendant or prisoner or (4) any person against
2 whom a violent crime has been committed or (5) any person who
3 has suffered personal injury as a result of a violation of
4 Section 11-501 of the Illinois Vehicle Code, or of a similar
5 provision of a local ordinance, or of Section 9-3 of the
6 Criminal Code of 1961, as amended or (6) in proceedings under
7 the Juvenile Court Act of 1987, both parents, legal guardians,
8 foster parents, or a single adult representative of a minor or
9 disabled person who is a crime victim.

10 (b) "Witness" means any person who personally observed the
11 commission of a violent crime and who will testify on behalf of
12 the State of Illinois in the criminal prosecution of the
13 violent crime.

14 (c) "Violent Crime" means any felony in which force or
15 threat of force was used against the victim, or any offense
16 involving sexual exploitation, sexual conduct or sexual
17 penetration, or a violation of Section 11-20.1, 11-20.1B, or
18 11-20.3 of the Criminal Code of 1961, domestic battery,
19 violation of an order of protection, stalking, or any
20 misdemeanor which results in death or great bodily harm to the
21 victim or any violation of Section 9-3 of the Criminal Code of
22 1961, or Section 11-501 of the Illinois Vehicle Code, or a
23 similar provision of a local ordinance, if the violation
24 resulted in personal injury or death, and includes any action
25 committed by a juvenile that would be a violent crime if
26 committed by an adult. For the purposes of this paragraph,

1 "personal injury" shall include any Type A injury as indicated
2 on the traffic accident report completed by a law enforcement
3 officer that requires immediate professional attention in
4 either a doctor's office or medical facility. A type A injury
5 shall include severely bleeding wounds, distorted extremities,
6 and injuries that require the injured party to be carried from
7 the scene.

8 (d) "Sentencing Hearing" means any hearing where a sentence
9 is imposed by the court on a convicted defendant and includes
10 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
11 and 5-7-7 of the Unified Code of Corrections except those cases
12 in which both parties have agreed to the imposition of a
13 specific sentence.

14 (e) "Court proceedings" includes the preliminary hearing,
15 any hearing the effect of which may be the release of the
16 defendant from custody or to alter the conditions of bond, the
17 trial, sentencing hearing, notice of appeal, any modification
18 of sentence, probation revocation hearings or parole hearings.

19 (f) "Concerned citizen" includes relatives of the victim,
20 friends of the victim, witnesses to the crime, or any other
21 person associated with the victim or prisoner.

22 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;
23 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

24 Section 1050. The Sex Offense Victim Polygraph Act is
25 amended by changing Section 1 as follows:

1 (725 ILCS 200/1) (from Ch. 38, par. 1551)

2 Sec. 1. Lie Detector Tests.

3 (a) No law enforcement officer, State's Attorney or other
4 official shall ask or require an alleged victim of an offense
5 described in Sections 11-1.20 through 11-1.60 or 12-13 through
6 12-16 of the Criminal Code of 1961, as amended, to submit to a
7 polygraph examination or any form of a mechanical or electrical
8 lie detector test.

9 (b) A victim's refusal to submit to a polygraph or any form
10 of a mechanical or electrical lie detector test shall not
11 mitigate against the investigation, charging or prosecution of
12 the pending case as originally charged.

13 (Source: P.A. 96-1273, eff. 1-1-11.)

14 Section 1055. The Sexually Violent Persons Commitment Act
15 is amended by changing Section 5 as follows:

16 (725 ILCS 207/5)

17 Sec. 5. Definitions. As used in this Act, the term:

18 (a) "Department" means the Department of Human Services.

19 (b) "Mental disorder" means a congenital or acquired
20 condition affecting the emotional or volitional capacity that
21 predisposes a person to engage in acts of sexual violence.

22 (c) "Secretary" means the Secretary of Human Services.

23 (d) "Sexually motivated" means that one of the purposes for

1 an act is for the actor's sexual arousal or gratification.

2 (e) "Sexually violent offense" means any of the following:

3 (1) Any crime specified in Section 11-1.20, 11-1.30,
4 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.3, 12-13, 12-14,
5 12-14.1, or 12-16 of the Criminal Code of 1961; or

6 (1.5) Any former law of this State specified in Section
7 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent
8 liberties with a child) or 11-4.1 (aggravated indecent
9 liberties with a child) of the Criminal Code of 1961; or

10 (2) First degree murder, if it is determined by the
11 agency with jurisdiction to have been sexually motivated;
12 or

13 (3) Any solicitation, conspiracy or attempt to commit a
14 crime under paragraph (e) (1) or (e) (2) of this Section.

15 (f) "Sexually violent person" means a person who has been
16 convicted of a sexually violent offense, has been adjudicated
17 delinquent for a sexually violent offense, or has been found
18 not guilty of a sexually violent offense by reason of insanity
19 and who is dangerous because he or she suffers from a mental
20 disorder that makes it substantially probable that the person
21 will engage in acts of sexual violence.

22 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09.)

23 Section 1060. The Statewide Grand Jury Act is amended by
24 changing Sections 2 and 3 as follows:

1 (725 ILCS 215/2) (from Ch. 38, par. 1702)

2 Sec. 2. (a) County grand juries and State's Attorneys have
3 always had and shall continue to have primary responsibility
4 for investigating, indicting, and prosecuting persons who
5 violate the criminal laws of the State of Illinois. However, in
6 recent years organized terrorist activity directed against
7 innocent civilians and certain criminal enterprises have
8 developed that require investigation, indictment, and
9 prosecution on a statewide or multicounty level. The criminal
10 enterprises exist as a result of the allure of profitability
11 present in narcotic activity, the unlawful sale and transfer of
12 firearms, and streetgang related felonies and organized
13 terrorist activity is supported by the contribution of money
14 and expert assistance from geographically diverse sources. In
15 order to shut off the life blood of terrorism and weaken or
16 eliminate the criminal enterprises, assets, and property used
17 to further these offenses must be frozen, and any profit must
18 be removed. State statutes exist that can accomplish that goal.
19 Among them are the offense of money laundering, the Cannabis
20 and Controlled Substances Tax Act, violations of Article 29D of
21 the Criminal Code of 1961, the Narcotics Profit Forfeiture Act,
22 and gunrunning. Local prosecutors need investigative personnel
23 and specialized training to attack and eliminate these profits.
24 In light of the transitory and complex nature of conduct that
25 constitutes these criminal activities, the many diverse
26 property interests that may be used, acquired directly or

1 indirectly as a result of these criminal activities, and the
2 many places that illegally obtained property may be located, it
3 is the purpose of this Act to create a limited, multicounty
4 Statewide Grand Jury with authority to investigate, indict, and
5 prosecute: narcotic activity, including cannabis and
6 controlled substance trafficking, narcotics racketeering,
7 money laundering, violations of the Cannabis and Controlled
8 Substances Tax Act, and violations of Article 29D of the
9 Criminal Code of 1961; the unlawful sale and transfer of
10 firearms; gunrunning; and streetgang related felonies.

11 (b) A Statewide Grand Jury may also investigate, indict,
12 and prosecute violations facilitated by the use of a computer
13 of any of the following offenses: indecent solicitation of a
14 child, sexual exploitation of a child, soliciting for a
15 juvenile prostitute, keeping a place of juvenile prostitution,
16 juvenile pimping, ~~or~~ child pornography, aggravated child
17 pornography, or promoting juvenile prostitution except as
18 described in subdivision (a)(4) of Section 11-14.4 of the
19 Criminal Code of 1961.

20 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

21 (725 ILCS 215/3) (from Ch. 38, par. 1703)

22 Sec. 3. Written application for the appointment of a
23 Circuit Judge to convene and preside over a Statewide Grand
24 Jury, with jurisdiction extending throughout the State, shall
25 be made to the Chief Justice of the Supreme Court. Upon such

1 written application, the Chief Justice of the Supreme Court
2 shall appoint a Circuit Judge from the circuit where the
3 Statewide Grand Jury is being sought to be convened, who shall
4 make a determination that the convening of a Statewide Grand
5 Jury is necessary.

6 In such application the Attorney General shall state that
7 the convening of a Statewide Grand Jury is necessary because of
8 an alleged offense or offenses set forth in this Section
9 involving more than one county of the State and identifying any
10 such offense alleged; and

11 (a) that he or she believes that the grand jury
12 function for the investigation and indictment of the
13 offense or offenses cannot effectively be performed by a
14 county grand jury together with the reasons for such
15 belief, and

16 (b) (1) that each State's Attorney with jurisdiction
17 over an offense or offenses to be investigated has
18 consented to the impaneling of the Statewide Grand
19 Jury, or

20 (2) if one or more of the State's Attorneys having
21 jurisdiction over an offense or offenses to be
22 investigated fails to consent to the impaneling of the
23 Statewide Grand Jury, the Attorney General shall set
24 forth good cause for impaneling the Statewide Grand
25 Jury.

26 If the Circuit Judge determines that the convening of a

1 Statewide Grand Jury is necessary, he or she shall convene and
2 impanel the Statewide Grand Jury with jurisdiction extending
3 throughout the State to investigate and return indictments:

4 (a) For violations of any of the following or for any
5 other criminal offense committed in the course of violating
6 any of the following: Article 29D of the Criminal Code of
7 1961, the Illinois Controlled Substances Act, the Cannabis
8 Control Act, the Methamphetamine Control and Community
9 Protection Act, the Narcotics Profit Forfeiture Act, or the
10 Cannabis and Controlled Substances Tax Act; a streetgang
11 related felony offense; Section 24-2.1, 24-2.2, 24-3,
12 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection
13 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
14 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a
15 money laundering offense; provided that the violation or
16 offense involves acts occurring in more than one county of
17 this State; and

18 (a-5) For violations facilitated by the use of a
19 computer, including the use of the Internet, the World Wide
20 Web, electronic mail, message board, newsgroup, or any
21 other commercial or noncommercial on-line service, of any
22 of the following offenses: indecent solicitation of a
23 child, sexual exploitation of a child, soliciting for a
24 juvenile prostitute, keeping a place of juvenile
25 prostitution, juvenile pimping, ~~or~~ child pornography,
26 aggravated child pornography, or promoting juvenile

1 prostitution except as described in subdivision (a)(4) of
2 Section 11-14.4 of the Criminal Code of 1961; and

3 (b) For the offenses of perjury, subornation of
4 perjury, communicating with jurors and witnesses, and
5 harassment of jurors and witnesses, as they relate to
6 matters before the Statewide Grand Jury.

7 "Streetgang related" has the meaning ascribed to it in
8 Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 Upon written application by the Attorney General for the
11 convening of an additional Statewide Grand Jury, the Chief
12 Justice of the Supreme Court shall appoint a Circuit Judge from
13 the circuit for which the additional Statewide Grand Jury is
14 sought. The Circuit Judge shall determine the necessity for an
15 additional Statewide Grand Jury in accordance with the
16 provisions of this Section. No more than 2 Statewide Grand
17 Juries may be empaneled at any time.

18 (Source: P.A. 94-556, eff. 9-11-05.)

19 Section 1065. The Unified Code of Corrections is amended by
20 changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-1, 5-4-3, 5-4-3.2,
21 5-5-3, 5-5-3.2, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and
22 5-9-1.7 as follows:

23 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

24 Sec. 3-1-2. Definitions.

1 (a) "Chief Administrative Officer" means the person
2 designated by the Director to exercise the powers and duties of
3 the Department of Corrections in regard to committed persons
4 within a correctional institution or facility, and includes the
5 superintendent of any juvenile institution or facility.

6 (a-5) "Sex offense" for the purposes of paragraph (16) of
7 subsection (a) of Section 3-3-7, paragraph (10) of subsection
8 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
9 Section 5-6-3.1 only means:

10 (i) A violation of any of the following Sections of the
11 Criminal Code of 1961: 10-7 (aiding or abetting child
12 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
13 luring), 11-6 (indecent solicitation of a child), 11-6.5
14 (indecent solicitation of an adult), 11-14.4 (promoting
15 juvenile prostitution), 11-15.1 (soliciting for a juvenile
16 prostitute), 11-17.1 (keeping a place of juvenile
17 prostitution), 11-18.1 (patronizing a juvenile
18 prostitute), 11-19.1 (juvenile pimping), 11-19.2
19 (exploitation of a child), 11-20.1 (child pornography),
20 11-20.1B or 11-20.3 (aggravated child pornography),
21 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
22 child), or 12-33 (ritualized abuse of a child). An attempt
23 to commit any of these offenses.

24 (ii) A violation of any of the following Sections of
25 the Criminal Code of 1961: 11-1.20 or 12-13 (criminal
26 sexual assault), 11-1.30 or 12-14 (aggravated criminal

1 sexual assault), 11-1.60 or 12-16 (aggravated criminal
2 sexual abuse), and subsection (a) of Section 11-1.50 or
3 subsection (a) of Section 12-15 (criminal sexual abuse). An
4 attempt to commit any of these offenses.

5 (iii) A violation of any of the following Sections of
6 the Criminal Code of 1961 when the defendant is not a
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in this
15 subsection (a-5).

16 An offense violating federal law or the law of another
17 state that is substantially equivalent to any offense listed in
18 this subsection (a-5) shall constitute a sex offense for the
19 purpose of this subsection (a-5). A finding or adjudication as
20 a sexually dangerous person under any federal law or law of
21 another state that is substantially equivalent to the Sexually
22 Dangerous Persons Act shall constitute an adjudication for a
23 sex offense for the purposes of this subsection (a-5).

24 (b) "Commitment" means a judicially determined placement
25 in the custody of the Department of Corrections on the basis of
26 delinquency or conviction.

1 (c) "Committed Person" is a person committed to the
2 Department, however a committed person shall not be considered
3 to be an employee of the Department of Corrections for any
4 purpose, including eligibility for a pension, benefits, or any
5 other compensation or rights or privileges which may be
6 provided to employees of the Department.

7 (c-5) "Computer scrub software" means any third-party
8 added software, designed to delete information from the
9 computer unit, the hard drive, or other software, which would
10 eliminate and prevent discovery of browser activity, including
11 but not limited to Internet history, address bar or bars, cache
12 or caches, and/or cookies, and which would over-write files in
13 a way so as to make previous computer activity, including but
14 not limited to website access, more difficult to discover.

15 (d) "Correctional Institution or Facility" means any
16 building or part of a building where committed persons are kept
17 in a secured manner.

18 (e) In the case of functions performed before the effective
19 date of this amendatory Act of the 94th General Assembly,
20 "Department" means the Department of Corrections of this State.
21 In the case of functions performed on or after the effective
22 date of this amendatory Act of the 94th General Assembly,
23 "Department" has the meaning ascribed to it in subsection
24 (f-5).

25 (f) In the case of functions performed before the effective
26 date of this amendatory Act of the 94th General Assembly,

1 "Director" means the Director of the Department of Corrections.
2 In the case of functions performed on or after the effective
3 date of this amendatory Act of the 94th General Assembly,
4 "Director" has the meaning ascribed to it in subsection (f-5).

5 (f-5) In the case of functions performed on or after the
6 effective date of this amendatory Act of the 94th General
7 Assembly, references to "Department" or "Director" refer to
8 either the Department of Corrections or the Director of
9 Corrections or to the Department of Juvenile Justice or the
10 Director of Juvenile Justice unless the context is specific to
11 the Department of Juvenile Justice or the Director of Juvenile
12 Justice.

13 (g) "Discharge" means the final termination of a commitment
14 to the Department of Corrections.

15 (h) "Discipline" means the rules and regulations for the
16 maintenance of order and the protection of persons and property
17 within the institutions and facilities of the Department and
18 their enforcement.

19 (i) "Escape" means the intentional and unauthorized
20 absence of a committed person from the custody of the
21 Department.

22 (j) "Furlough" means an authorized leave of absence from
23 the Department of Corrections for a designated purpose and
24 period of time.

25 (k) "Parole" means the conditional and revocable release of
26 a committed person under the supervision of a parole officer.

1 (1) "Prisoner Review Board" means the Board established in
2 Section 3-3-1(a), independent of the Department, to review
3 rules and regulations with respect to good time credits, to
4 hear charges brought by the Department against certain
5 prisoners alleged to have violated Department rules with
6 respect to good time credits, to set release dates for certain
7 prisoners sentenced under the law in effect prior to the
8 effective date of this Amendatory Act of 1977, to hear requests
9 and make recommendations to the Governor with respect to
10 pardon, reprieve or commutation, to set conditions for parole
11 and mandatory supervised release and determine whether
12 violations of those conditions justify revocation of parole or
13 release, and to assume all other functions previously exercised
14 by the Illinois Parole and Pardon Board.

15 (m) Whenever medical treatment, service, counseling, or
16 care is referred to in this Unified Code of Corrections, such
17 term may be construed by the Department or Court, within its
18 discretion, to include treatment, service or counseling by a
19 Christian Science practitioner or nursing care appropriate
20 therewith whenever request therefor is made by a person subject
21 to the provisions of this Act.

22 (n) "Victim" shall have the meaning ascribed to it in
23 subsection (a) of Section 3 of the Bill of Rights for Victims
24 and Witnesses of Violent Crime Act.

25 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
26 96-1000, eff. 7-2-10.)

1 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)
2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
3 Release.

4 (a) The conditions of parole or mandatory supervised
5 release shall be such as the Prisoner Review Board deems
6 necessary to assist the subject in leading a law-abiding life.
7 The conditions of every parole and mandatory supervised release
8 are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other
12 dangerous weapon;

13 (3) report to an agent of the Department of
14 Corrections;

15 (4) permit the agent to visit him or her at his or her
16 home, employment, or elsewhere to the extent necessary for
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the
19 instruction or residence of persons on parole or mandatory
20 supervised release;

21 (6) secure permission before visiting or writing a
22 committed person in an Illinois Department of Corrections
23 facility;

24 (7) report all arrests to an agent of the Department of
25 Corrections as soon as permitted by the arresting authority

1 but in no event later than 24 hours after release from
2 custody;

3 (7.5) if convicted of a sex offense as defined in the
4 Sex Offender Management Board Act, the individual shall
5 undergo and successfully complete sex offender treatment
6 conducted in conformance with the standards developed by
7 the Sex Offender Management Board Act by a treatment
8 provider approved by the Board;

9 (7.6) if convicted of a sex offense as defined in the
10 Sex Offender Management Board Act, refrain from residing at
11 the same address or in the same condominium unit or
12 apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has
15 been placed on supervision for a sex offense; the
16 provisions of this paragraph do not apply to a person
17 convicted of a sex offense who is placed in a Department of
18 Corrections licensed transitional housing facility for sex
19 offenders, or is in any facility operated or licensed by
20 the Department of Children and Family Services or by the
21 Department of Human Services, or is in any licensed medical
22 facility;

23 (7.7) if convicted for an offense that would qualify
24 the accused as a sexual predator under the Sex Offender
25 Registration Act on or after the effective date of this
26 amendatory Act of the 94th General Assembly, wear an

1 approved electronic monitoring device as defined in
2 Section 5-8A-2 for the duration of the person's parole,
3 mandatory supervised release term, or extended mandatory
4 supervised release term and if convicted for an offense of
5 criminal sexual assault, aggravated criminal sexual
6 assault, predatory criminal sexual assault of a child,
7 criminal sexual abuse, aggravated criminal sexual abuse,
8 or ritualized abuse of a child committed on or after August
9 11, 2009 (the effective date of Public Act 96-236) when the
10 victim was under 18 years of age at the time of the
11 commission of the offense and the defendant used force or
12 the threat of force in the commission of the offense wear
13 an approved electronic monitoring device as defined in
14 Section 5-8A-2 that has Global Positioning System (GPS)
15 capability for the duration of the person's parole,
16 mandatory supervised release term, or extended mandatory
17 supervised release term;

18 (7.8) if convicted for an offense committed on or after
19 the effective date of this amendatory Act of the 95th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961, refrain from communicating with or
23 contacting, by means of the Internet, a person who is not
24 related to the accused and whom the accused reasonably
25 believes to be under 18 years of age; for purposes of this
26 paragraph (7.8), "Internet" has the meaning ascribed to it

1 in Section 16J-5 of the Criminal Code of 1961; and a person
2 is not related to the accused if the person is not: (i) the
3 spouse, brother, or sister of the accused; (ii) a
4 descendant of the accused; (iii) a first or second cousin
5 of the accused; or (iv) a step-child or adopted child of
6 the accused;

7 (7.9) if convicted under Section 11-6, 11-20.1,
8 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,
9 consent to search of computers, PDAs, cellular phones, and
10 other devices under his or her control that are capable of
11 accessing the Internet or storing electronic files, in
12 order to confirm Internet protocol addresses reported in
13 accordance with the Sex Offender Registration Act and
14 compliance with conditions in this Act;

15 (7.10) if convicted for an offense that would qualify
16 the accused as a sex offender or sexual predator under the
17 Sex Offender Registration Act on or after the effective
18 date of this amendatory Act of the 95th General Assembly,
19 not possess prescription drugs for erectile dysfunction;

20 (7.11) if convicted for an offense under Section 11-6,
21 11-9.1, 11-14.4 that involves soliciting for a juvenile
22 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
23 of the Criminal Code of 1961, or any attempt to commit any
24 of these offenses, committed on or after June 1, 2009 (the
25 effective date of Public Act 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior
2 written approval of the Department;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's supervising
6 agent, a law enforcement officer, or assigned computer
7 or information technology specialist, including the
8 retrieval and copying of all data from the computer or
9 device and any internal or external peripherals and
10 removal of such information, equipment, or device to
11 conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's
13 computer or device with Internet capability, at the
14 offender's expense, of one or more hardware or software
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions
17 concerning the offender's use of or access to a
18 computer or any other device with Internet capability
19 imposed by the Board, the Department or the offender's
20 supervising agent;

21 (7.12) if convicted of a sex offense as defined in the
22 Sex Offender Registration Act committed on or after January
23 1, 2010 (the effective date of Public Act 96-262), refrain
24 from accessing or using a social networking website as
25 defined in Section 16D-2 of the Criminal Code of 1961;

26 (7.13) if convicted of a sex offense as defined in

1 Section 2 of the Sex Offender Registration Act committed on
2 or after January 1, 2010 (the effective date of Public Act
3 96-362) that requires the person to register as a sex
4 offender under that Act, may not knowingly use any computer
5 scrub software on any computer that the sex offender uses;

6 (8) obtain permission of an agent of the Department of
7 Corrections before leaving the State of Illinois;

8 (9) obtain permission of an agent of the Department of
9 Corrections before changing his or her residence or
10 employment;

11 (10) consent to a search of his or her person,
12 property, or residence under his or her control;

13 (11) refrain from the use or possession of narcotics or
14 other controlled substances in any form, or both, or any
15 paraphernalia related to those substances and submit to a
16 urinalysis test as instructed by a parole agent of the
17 Department of Corrections;

18 (12) not frequent places where controlled substances
19 are illegally sold, used, distributed, or administered;

20 (13) not knowingly associate with other persons on
21 parole or mandatory supervised release without prior
22 written permission of his or her parole agent and not
23 associate with persons who are members of an organized gang
24 as that term is defined in the Illinois Streetgang
25 Terrorism Omnibus Prevention Act;

26 (14) provide true and accurate information, as it

1 relates to his or her adjustment in the community while on
2 parole or mandatory supervised release or to his or her
3 conduct while incarcerated, in response to inquiries by his
4 or her parole agent or of the Department of Corrections;

5 (15) follow any specific instructions provided by the
6 parole agent that are consistent with furthering
7 conditions set and approved by the Prisoner Review Board or
8 by law, exclusive of placement on electronic detention, to
9 achieve the goals and objectives of his or her parole or
10 mandatory supervised release or to protect the public.
11 These instructions by the parole agent may be modified at
12 any time, as the agent deems appropriate;

13 (16) if convicted of a sex offense as defined in
14 subsection (a-5) of Section 3-1-2 of this Code, unless the
15 offender is a parent or guardian of the person under 18
16 years of age present in the home and no non-familial minors
17 are present, not participate in a holiday event involving
18 children under 18 years of age, such as distributing candy
19 or other items to children on Halloween, wearing a Santa
20 Claus costume on or preceding Christmas, being employed as
21 a department store Santa Claus, or wearing an Easter Bunny
22 costume on or preceding Easter; and

23 (17) if convicted of a violation of an order of
24 protection under Section 12-30 of the Criminal Code of
25 1961, be placed under electronic surveillance as provided
26 in Section 5-8A-7 of this Code.

1 (b) The Board may in addition to other conditions require
2 that the subject:

3 (1) work or pursue a course of study or vocational
4 training;

5 (2) undergo medical or psychiatric treatment, or
6 treatment for drug addiction or alcoholism;

7 (3) attend or reside in a facility established for the
8 instruction or residence of persons on probation or parole;

9 (4) support his dependents;

10 (5) (blank);

11 (6) (blank);

12 (7) comply with the terms and conditions of an order of
13 protection issued pursuant to the Illinois Domestic
14 Violence Act of 1986, enacted by the 84th General Assembly,
15 or an order of protection issued by the court of another
16 state, tribe, or United States territory;

17 (7.5) if convicted for an offense committed on or after
18 the effective date of this amendatory Act of the 95th
19 General Assembly that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961, refrain from communicating with or
22 contacting, by means of the Internet, a person who is
23 related to the accused and whom the accused reasonably
24 believes to be under 18 years of age; for purposes of this
25 paragraph (7.5), "Internet" has the meaning ascribed to it
26 in Section 16J-5 of the Criminal Code of 1961; and a person

1 is related to the accused if the person is: (i) the spouse,
2 brother, or sister of the accused; (ii) a descendant of the
3 accused; (iii) a first or second cousin of the accused; or
4 (iv) a step-child or adopted child of the accused;

5 (7.6) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983) that
7 would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations
13 of the offender's computer or any other device with
14 Internet capability by the offender's supervising
15 agent, a law enforcement officer, or assigned computer
16 or information technology specialist, including the
17 retrieval and copying of all data from the computer or
18 device and any internal or external peripherals and
19 removal of such information, equipment, or device to
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's
22 computer or device with Internet capability, at the
23 offender's expense, of one or more hardware or software
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability
2 imposed by the Board, the Department or the offender's
3 supervising agent; and

4 (8) in addition, if a minor:

5 (i) reside with his parents or in a foster home;

6 (ii) attend school;

7 (iii) attend a non-residential program for youth;

8 or

9 (iv) contribute to his own support at home or in a
10 foster home.

11 (b-1) In addition to the conditions set forth in
12 subsections (a) and (b), persons required to register as sex
13 offenders pursuant to the Sex Offender Registration Act, upon
14 release from the custody of the Illinois Department of
15 Corrections, may be required by the Board to comply with the
16 following specific conditions of release:

17 (1) reside only at a Department approved location;

18 (2) comply with all requirements of the Sex Offender
19 Registration Act;

20 (3) notify third parties of the risks that may be
21 occasioned by his or her criminal record;

22 (4) obtain the approval of an agent of the Department
23 of Corrections prior to accepting employment or pursuing a
24 course of study or vocational training and notify the
25 Department prior to any change in employment, study, or
26 training;

1 (5) not be employed or participate in any volunteer
2 activity that involves contact with children, except under
3 circumstances approved in advance and in writing by an
4 agent of the Department of Corrections;

5 (6) be electronically monitored for a minimum of 12
6 months from the date of release as determined by the Board;

7 (7) refrain from entering into a designated geographic
8 area except upon terms approved in advance by an agent of
9 the Department of Corrections. The terms may include
10 consideration of the purpose of the entry, the time of day,
11 and others accompanying the person;

12 (8) refrain from having any contact, including written
13 or oral communications, directly or indirectly, personally
14 or by telephone, letter, or through a third party with
15 certain specified persons including, but not limited to,
16 the victim or the victim's family without the prior written
17 approval of an agent of the Department of Corrections;

18 (9) refrain from all contact, directly or indirectly,
19 personally, by telephone, letter, or through a third party,
20 with minor children without prior identification and
21 approval of an agent of the Department of Corrections;

22 (10) neither possess or have under his or her control
23 any material that is sexually oriented, sexually
24 stimulating, or that shows male or female sex organs or any
25 pictures depicting children under 18 years of age nude or
26 any written or audio material describing sexual

1 intercourse or that depicts or alludes to sexual activity,
2 including but not limited to visual, auditory, telephonic,
3 or electronic media, or any matter obtained through access
4 to any computer or material linked to computer access use;

5 (11) not patronize any business providing sexually
6 stimulating or sexually oriented entertainment nor utilize
7 "900" or adult telephone numbers;

8 (12) not reside near, visit, or be in or about parks,
9 schools, day care centers, swimming pools, beaches,
10 theaters, or any other places where minor children
11 congregate without advance approval of an agent of the
12 Department of Corrections and immediately report any
13 incidental contact with minor children to the Department;

14 (13) not possess or have under his or her control
15 certain specified items of contraband related to the
16 incidence of sexually offending as determined by an agent
17 of the Department of Corrections;

18 (14) may be required to provide a written daily log of
19 activities if directed by an agent of the Department of
20 Corrections;

21 (15) comply with all other special conditions that the
22 Department may impose that restrict the person from
23 high-risk situations and limit access to potential
24 victims;

25 (16) take an annual polygraph exam;

26 (17) maintain a log of his or her travel; or

1 (18) obtain prior approval of his or her parole officer
2 before driving alone in a motor vehicle.

3 (c) The conditions under which the parole or mandatory
4 supervised release is to be served shall be communicated to the
5 person in writing prior to his release, and he shall sign the
6 same before release. A signed copy of these conditions,
7 including a copy of an order of protection where one had been
8 issued by the criminal court, shall be retained by the person
9 and another copy forwarded to the officer in charge of his
10 supervision.

11 (d) After a hearing under Section 3-3-9, the Prisoner
12 Review Board may modify or enlarge the conditions of parole or
13 mandatory supervised release.

14 (e) The Department shall inform all offenders committed to
15 the Department of the optional services available to them upon
16 release and shall assist inmates in availing themselves of such
17 optional services upon their release on a voluntary basis.

18 (f) When the subject is in compliance with all conditions
19 of his or her parole or mandatory supervised release, the
20 subject shall receive a reduction of the period of his or her
21 parole or mandatory supervised release of 90 days upon passage
22 of the high school level Test of General Educational
23 Development during the period of his or her parole or mandatory
24 supervised release. This reduction in the period of a subject's
25 term of parole or mandatory supervised release shall be
26 available only to subjects who have not previously earned a

1 high school diploma or who have not previously passed the high
2 school level Test of General Educational Development.

3 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
4 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
5 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
6 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
7 96-1000, eff. 7-2-10.)

8 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

9 Sec. 5-3-2. Presentence Report.

10 (a) In felony cases, the presentence report shall set
11 forth:

12 (1) the defendant's history of delinquency or
13 criminality, physical and mental history and condition,
14 family situation and background, economic status,
15 education, occupation and personal habits;

16 (2) information about special resources within the
17 community which might be available to assist the
18 defendant's rehabilitation, including treatment centers,
19 residential facilities, vocational training services,
20 correctional manpower programs, employment opportunities,
21 special educational programs, alcohol and drug abuse
22 programming, psychiatric and marriage counseling, and
23 other programs and facilities which could aid the
24 defendant's successful reintegration into society;

25 (3) the effect the offense committed has had upon the

1 victim or victims thereof, and any compensatory benefit
2 that various sentencing alternatives would confer on such
3 victim or victims;

4 (4) information concerning the defendant's status
5 since arrest, including his record if released on his own
6 recognizance, or the defendant's achievement record if
7 released on a conditional pre-trial supervision program;

8 (5) when appropriate, a plan, based upon the personal,
9 economic and social adjustment needs of the defendant,
10 utilizing public and private community resources as an
11 alternative to institutional sentencing;

12 (6) any other matters that the investigatory officer
13 deems relevant or the court directs to be included; and

14 (7) information concerning defendant's eligibility for
15 a sentence to a county impact incarceration program under
16 Section 5-8-1.2 of this Code.

17 (b) The investigation shall include a physical and mental
18 examination of the defendant when so ordered by the court. If
19 the court determines that such an examination should be made,
20 it shall issue an order that the defendant submit to
21 examination at such time and place as designated by the court
22 and that such examination be conducted by a physician,
23 psychologist or psychiatrist designated by the court. Such an
24 examination may be conducted in a court clinic if so ordered by
25 the court. The cost of such examination shall be paid by the
26 county in which the trial is held.

1 (b-5) In cases involving felony sex offenses in which the
2 offender is being considered for probation only or any felony
3 offense that is sexually motivated as defined in the Sex
4 Offender Management Board Act in which the offender is being
5 considered for probation only, the investigation shall include
6 a sex offender evaluation by an evaluator approved by the Board
7 and conducted in conformance with the standards developed under
8 the Sex Offender Management Board Act. In cases in which the
9 offender is being considered for any mandatory prison sentence,
10 the investigation shall not include a sex offender evaluation.

11 (c) In misdemeanor, business offense or petty offense
12 cases, except as specified in subsection (d) of this Section,
13 when a presentence report has been ordered by the court, such
14 presentence report shall contain information on the
15 defendant's history of delinquency or criminality and shall
16 further contain only those matters listed in any of paragraphs
17 (1) through (6) of subsection (a) or in subsection (b) of this
18 Section as are specified by the court in its order for the
19 report.

20 (d) In cases under Sections 11-1.50, Section 12-15, and
21 ~~Section~~ 12-30 of the Criminal Code of 1961, as amended, the
22 presentence report shall set forth information about alcohol,
23 drug abuse, psychiatric, and marriage counseling or other
24 treatment programs and facilities, information on the
25 defendant's history of delinquency or criminality, and shall
26 contain those additional matters listed in any of paragraphs

1 (1) through (6) of subsection (a) or in subsection (b) of this
2 Section as are specified by the court.

3 (e) Nothing in this Section shall cause the defendant to be
4 held without bail or to have his bail revoked for the purpose
5 of preparing the presentence report or making an examination.

6 (Source: P.A. 96-322, eff. 1-1-10.)

7 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

8 Sec. 5-4-1. Sentencing Hearing.

9 (a) Except when the death penalty is sought under hearing
10 procedures otherwise specified, after a determination of
11 guilt, a hearing shall be held to impose the sentence. However,
12 prior to the imposition of sentence on an individual being
13 sentenced for an offense based upon a charge for a violation of
14 Section 11-501 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance, the individual must undergo a
16 professional evaluation to determine if an alcohol or other
17 drug abuse problem exists and the extent of such a problem.
18 Programs conducting these evaluations shall be licensed by the
19 Department of Human Services. However, if the individual is not
20 a resident of Illinois, the court may, in its discretion,
21 accept an evaluation from a program in the state of such
22 individual's residence. The court may in its sentencing order
23 approve an eligible defendant for placement in a Department of
24 Corrections impact incarceration program as provided in
25 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing

1 order recommend a defendant for placement in a Department of
2 Corrections substance abuse treatment program as provided in
3 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
4 upon the defendant being accepted in a program by the
5 Department of Corrections. At the hearing the court shall:

6 (1) consider the evidence, if any, received upon the
7 trial;

8 (2) consider any presentence reports;

9 (3) consider the financial impact of incarceration
10 based on the financial impact statement filed with the
11 clerk of the court by the Department of Corrections;

12 (4) consider evidence and information offered by the
13 parties in aggravation and mitigation;

14 (4.5) consider substance abuse treatment, eligibility
15 screening, and an assessment, if any, of the defendant by
16 an agent designated by the State of Illinois to provide
17 assessment services for the Illinois courts;

18 (5) hear arguments as to sentencing alternatives;

19 (6) afford the defendant the opportunity to make a
20 statement in his own behalf;

21 (7) afford the victim of a violent crime or a violation
22 of Section 11-501 of the Illinois Vehicle Code, or a
23 similar provision of a local ordinance, or a qualified
24 individual affected by: (i) a violation of Section 405,
25 405.1, 405.2, or 407 of the Illinois Controlled Substances
26 Act or a violation of Section 55 or Section 65 of the

1 Methamphetamine Control and Community Protection Act, or
2 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
3 except as described in subdivisions (a)(2)(A) and
4 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
5 Criminal Code of 1961, committed by the defendant the
6 opportunity to make a statement concerning the impact on
7 the victim and to offer evidence in aggravation or
8 mitigation; provided that the statement and evidence
9 offered in aggravation or mitigation must first be prepared
10 in writing in conjunction with the State's Attorney before
11 it may be presented orally at the hearing. Any sworn
12 testimony offered by the victim is subject to the
13 defendant's right to cross-examine. All statements and
14 evidence offered under this paragraph (7) shall become part
15 of the record of the court. For the purpose of this
16 paragraph (7), "qualified individual" means any person who
17 (i) lived or worked within the territorial jurisdiction
18 where the offense took place when the offense took place;
19 and (ii) is familiar with various public places within the
20 territorial jurisdiction where the offense took place when
21 the offense took place. For the purposes of this paragraph
22 (7), "qualified individual" includes any peace officer, or
23 any member of any duly organized State, county, or
24 municipal peace unit assigned to the territorial
25 jurisdiction where the offense took place when the offense
26 took place;

1 (8) in cases of reckless homicide afford the victim's
2 spouse, guardians, parents or other immediate family
3 members an opportunity to make oral statements;

4 (9) in cases involving a felony sex offense as defined
5 under the Sex Offender Management Board Act, consider the
6 results of the sex offender evaluation conducted pursuant
7 to Section 5-3-2 of this Act; and

8 (10) make a finding of whether a motor vehicle was used
9 in the commission of the offense for which the defendant is
10 being sentenced.

11 (b) All sentences shall be imposed by the judge based upon
12 his independent assessment of the elements specified above and
13 any agreement as to sentence reached by the parties. The judge
14 who presided at the trial or the judge who accepted the plea of
15 guilty shall impose the sentence unless he is no longer sitting
16 as a judge in that court. Where the judge does not impose
17 sentence at the same time on all defendants who are convicted
18 as a result of being involved in the same offense, the
19 defendant or the State's Attorney may advise the sentencing
20 court of the disposition of any other defendants who have been
21 sentenced.

22 (c) In imposing a sentence for a violent crime or for an
23 offense of operating or being in physical control of a vehicle
24 while under the influence of alcohol, any other drug or any
25 combination thereof, or a similar provision of a local
26 ordinance, when such offense resulted in the personal injury to

1 someone other than the defendant, the trial judge shall specify
2 on the record the particular evidence, information, factors in
3 mitigation and aggravation or other reasons that led to his
4 sentencing determination. The full verbatim record of the
5 sentencing hearing shall be filed with the clerk of the court
6 and shall be a public record.

7 (c-1) In imposing a sentence for the offense of aggravated
8 kidnapping for ransom, home invasion, armed robbery,
9 aggravated vehicular hijacking, aggravated discharge of a
10 firearm, or armed violence with a category I weapon or category
11 II weapon, the trial judge shall make a finding as to whether
12 the conduct leading to conviction for the offense resulted in
13 great bodily harm to a victim, and shall enter that finding and
14 the basis for that finding in the record.

15 (c-2) If the defendant is sentenced to prison, other than
16 when a sentence of natural life imprisonment or a sentence of
17 death is imposed, at the time the sentence is imposed the judge
18 shall state on the record in open court the approximate period
19 of time the defendant will serve in custody according to the
20 then current statutory rules and regulations for early release
21 found in Section 3-6-3 and other related provisions of this
22 Code. This statement is intended solely to inform the public,
23 has no legal effect on the defendant's actual release, and may
24 not be relied on by the defendant on appeal.

25 The judge's statement, to be given after pronouncing the
26 sentence, other than when the sentence is imposed for one of

1 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
2 shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend in
5 prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois as
7 applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, assuming the defendant receives all of his or her good
10 conduct credit, the period of estimated actual custody is ...
11 years and ... months, less up to 180 days additional good
12 conduct credit for meritorious service. If the defendant,
13 because of his or her own misconduct or failure to comply with
14 the institutional regulations, does not receive those credits,
15 the actual time served in prison will be longer. The defendant
16 may also receive an additional one-half day good conduct credit
17 for each day of participation in vocational, industry,
18 substance abuse, and educational programs as provided for by
19 Illinois statute."

20 When the sentence is imposed for one of the offenses
21 enumerated in paragraph (a)(3) of Section 3-6-3, other than
22 when the sentence is imposed for one of the offenses enumerated
23 in paragraph (a)(2) of Section 3-6-3 committed on or after June
24 19, 1998, and other than when the sentence is imposed for
25 reckless homicide as defined in subsection (e) of Section 9-3
26 of the Criminal Code of 1961 if the offense was committed on or

1 after January 1, 1999, and other than when the sentence is
2 imposed for aggravated arson if the offense was committed on or
3 after July 27, 2001 (the effective date of Public Act 92-176),
4 and other than when the sentence is imposed for aggravated
5 driving under the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination thereof
7 as defined in subparagraph (C) of paragraph (1) of subsection
8 (d) of Section 11-501 of the Illinois Vehicle Code committed on
9 or after January 1, 2011 (the effective date of Public Act
10 96-1230) ~~this amendatory Act of the 96th General Assembly~~, the
11 judge's statement, to be given after pronouncing the sentence,
12 shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, assuming the defendant receives all of his or her good
20 conduct credit, the period of estimated actual custody is ...
21 years and ... months, less up to 90 days additional good
22 conduct credit for meritorious service. If the defendant,
23 because of his or her own misconduct or failure to comply with
24 the institutional regulations, does not receive those credits,
25 the actual time served in prison will be longer. The defendant
26 may also receive an additional one-half day good conduct credit

1 for each day of participation in vocational, industry,
2 substance abuse, and educational programs as provided for by
3 Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(2) of Section 3-6-3, other than
6 first degree murder, and the offense was committed on or after
7 June 19, 1998, and when the sentence is imposed for reckless
8 homicide as defined in subsection (e) of Section 9-3 of the
9 Criminal Code of 1961 if the offense was committed on or after
10 January 1, 1999, and when the sentence is imposed for
11 aggravated driving under the influence of alcohol, other drug
12 or drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of paragraph
14 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code, and when the sentence is imposed for aggravated arson if
16 the offense was committed on or after July 27, 2001 (the
17 effective date of Public Act 92-176), and when the sentence is
18 imposed for aggravated driving under the influence of alcohol,
19 other drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof as defined in subparagraph (C) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code committed on or after January 1, 2011
23 (the effective date of Public Act 96-1230) ~~this amendatory Act~~
24 ~~of the 96th General Assembly,~~ the judge's statement, to be
25 given after pronouncing the sentence, shall include the
26 following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois as
5 applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, the defendant is entitled to no more than 4 1/2 days of
8 good conduct credit for each month of his or her sentence of
9 imprisonment. Therefore, this defendant will serve at least 85%
10 of his or her sentence. Assuming the defendant receives 4 1/2
11 days credit for each month of his or her sentence, the period
12 of estimated actual custody is ... years and ... months. If the
13 defendant, because of his or her own misconduct or failure to
14 comply with the institutional regulations receives lesser
15 credit, the actual time served in prison will be longer."

16 When a sentence of imprisonment is imposed for first degree
17 murder and the offense was committed on or after June 19, 1998,
18 the judge's statement, to be given after pronouncing the
19 sentence, shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend in
22 prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois as
24 applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, the defendant is not entitled to good conduct credit.

1 Therefore, this defendant will serve 100% of his or her
2 sentence."

3 When the sentencing order recommends placement in a
4 substance abuse program for any offense that results in
5 incarceration in a Department of Corrections facility and the
6 crime was committed on or after September 1, 2003 (the
7 effective date of Public Act 93-354), the judge's statement, in
8 addition to any other judge's statement required under this
9 Section, to be given after pronouncing the sentence, shall
10 include the following:

11 "The purpose of this statement is to inform the public of
12 the actual period of time this defendant is likely to spend in
13 prison as a result of this sentence. The actual period of
14 prison time served is determined by the statutes of Illinois as
15 applied to this sentence by the Illinois Department of
16 Corrections and the Illinois Prisoner Review Board. In this
17 case, the defendant shall receive no good conduct credit under
18 clause (3) of subsection (a) of Section 3-6-3 until he or she
19 participates in and completes a substance abuse treatment
20 program or receives a waiver from the Director of Corrections
21 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

22 (c-4) Before the sentencing hearing and as part of the
23 presentence investigation under Section 5-3-1, the court shall
24 inquire of the defendant whether the defendant is currently
25 serving in or is a veteran of the Armed Forces of the United
26 States. If the defendant is currently serving in the Armed

1 Forces of the United States or is a veteran of the Armed Forces
2 of the United States and has been diagnosed as having a mental
3 illness by a qualified psychiatrist or clinical psychologist or
4 physician, the court may:

5 (1) order that the officer preparing the presentence
6 report consult with the United States Department of
7 Veterans Affairs, Illinois Department of Veterans'
8 Affairs, or another agency or person with suitable
9 knowledge or experience for the purpose of providing the
10 court with information regarding treatment options
11 available to the defendant, including federal, State, and
12 local programming; and

13 (2) consider the treatment recommendations of any
14 diagnosing or treating mental health professionals
15 together with the treatment options available to the
16 defendant in imposing sentence.

17 For the purposes of this subsection (c-4), "qualified
18 psychiatrist" means a reputable physician licensed in Illinois
19 to practice medicine in all its branches, who has specialized
20 in the diagnosis and treatment of mental and nervous disorders
21 for a period of not less than 5 years.

22 (c-6) In imposing a sentence, the trial judge shall
23 specify, on the record, the particular evidence and other
24 reasons which led to his or her determination that a motor
25 vehicle was used in the commission of the offense.

26 (d) When the defendant is committed to the Department of

1 Corrections, the State's Attorney shall and counsel for the
2 defendant may file a statement with the clerk of the court to
3 be transmitted to the department, agency or institution to
4 which the defendant is committed to furnish such department,
5 agency or institution with the facts and circumstances of the
6 offense for which the person was committed together with all
7 other factual information accessible to them in regard to the
8 person prior to his commitment relative to his habits,
9 associates, disposition and reputation and any other facts and
10 circumstances which may aid such department, agency or
11 institution during its custody of such person. The clerk shall
12 within 10 days after receiving any such statements transmit a
13 copy to such department, agency or institution and a copy to
14 the other party, provided, however, that this shall not be
15 cause for delay in conveying the person to the department,
16 agency or institution to which he has been committed.

17 (e) The clerk of the court shall transmit to the
18 department, agency or institution, if any, to which the
19 defendant is committed, the following:

20 (1) the sentence imposed;

21 (2) any statement by the court of the basis for
22 imposing the sentence;

23 (3) any presentence reports;

24 (3.5) any sex offender evaluations;

25 (3.6) any substance abuse treatment eligibility
26 screening and assessment of the defendant by an agent

1 designated by the State of Illinois to provide assessment
2 services for the Illinois courts;

3 (4) the number of days, if any, which the defendant has
4 been in custody and for which he is entitled to credit
5 against the sentence, which information shall be provided
6 to the clerk by the sheriff;

7 (4.1) any finding of great bodily harm made by the
8 court with respect to an offense enumerated in subsection
9 (c-1);

10 (5) all statements filed under subsection (d) of this
11 Section;

12 (6) any medical or mental health records or summaries
13 of the defendant;

14 (7) the municipality where the arrest of the offender
15 or the commission of the offense has occurred, where such
16 municipality has a population of more than 25,000 persons;

17 (8) all statements made and evidence offered under
18 paragraph (7) of subsection (a) of this Section; and

19 (9) all additional matters which the court directs the
20 clerk to transmit.

21 (f) In cases in which the court finds that a motor vehicle
22 was used in the commission of the offense for which the
23 defendant is being sentenced, the clerk of the court shall,
24 within 5 days thereafter, forward a report of such conviction
25 to the Secretary of State.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;

1 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; revised 9-16-10.)

2 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

3 Sec. 5-4-3. Persons convicted of, or found delinquent for,
4 certain offenses or institutionalized as sexually dangerous;
5 specimens; genetic marker groups.

6 (a) Any person convicted of, found guilty under the
7 Juvenile Court Act of 1987 for, or who received a disposition
8 of court supervision for, a qualifying offense or attempt of a
9 qualifying offense, convicted or found guilty of any offense
10 classified as a felony under Illinois law, convicted or found
11 guilty of any offense requiring registration under the Sex
12 Offender Registration Act, found guilty or given supervision
13 for any offense classified as a felony under the Juvenile Court
14 Act of 1987, convicted or found guilty of, under the Juvenile
15 Court Act of 1987, any offense requiring registration under the
16 Sex Offender Registration Act, or institutionalized as a
17 sexually dangerous person under the Sexually Dangerous Persons
18 Act, or committed as a sexually violent person under the
19 Sexually Violent Persons Commitment Act shall, regardless of
20 the sentence or disposition imposed, be required to submit
21 specimens of blood, saliva, or tissue to the Illinois
22 Department of State Police in accordance with the provisions of
23 this Section, provided such person is:

24 (1) convicted of a qualifying offense or attempt of a
25 qualifying offense on or after July 1, 1990 and sentenced

1 to a term of imprisonment, periodic imprisonment, fine,
2 probation, conditional discharge or any other form of
3 sentence, or given a disposition of court supervision for
4 the offense;

5 (1.5) found guilty or given supervision under the
6 Juvenile Court Act of 1987 for a qualifying offense or
7 attempt of a qualifying offense on or after January 1,
8 1997;

9 (2) ordered institutionalized as a sexually dangerous
10 person on or after July 1, 1990;

11 (3) convicted of a qualifying offense or attempt of a
12 qualifying offense before July 1, 1990 and is presently
13 confined as a result of such conviction in any State
14 correctional facility or county jail or is presently
15 serving a sentence of probation, conditional discharge or
16 periodic imprisonment as a result of such conviction;

17 (3.5) convicted or found guilty of any offense
18 classified as a felony under Illinois law or found guilty
19 or given supervision for such an offense under the Juvenile
20 Court Act of 1987 on or after August 22, 2002;

21 (4) presently institutionalized as a sexually
22 dangerous person or presently institutionalized as a
23 person found guilty but mentally ill of a sexual offense or
24 attempt to commit a sexual offense;

25 (4.5) ordered committed as a sexually violent person on
26 or after the effective date of the Sexually Violent Persons

1 Commitment Act; or

2 (5) seeking transfer to or residency in Illinois under
3 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of
4 Corrections and the Interstate Compact for Adult Offender
5 Supervision or the Interstate Agreements on Sexually
6 Dangerous Persons Act.

7 Notwithstanding other provisions of this Section, any
8 person incarcerated in a facility of the Illinois Department of
9 Corrections or the Illinois Department of Juvenile Justice on
10 or after August 22, 2002, whether for a term of years, natural
11 life, or a sentence of death, who has not yet submitted a
12 sample of blood, saliva, or tissue shall be required to submit
13 a specimen of blood, saliva, or tissue prior to his or her
14 final discharge, or release on parole or mandatory supervised
15 release, as a condition of his or her parole or mandatory
16 supervised release, or within 6 months from August 13, 2009
17 (the effective date of Public Act 96-426), whichever is sooner.
18 A person incarcerated on or after August 13, 2009 (the
19 effective date of Public Act 96-426) shall be required to
20 submit a sample within 45 days of incarceration, or prior to
21 his or her final discharge, or release on parole or mandatory
22 supervised release, as a condition of his or her parole or
23 mandatory supervised release, whichever is sooner. These
24 specimens shall be placed into the State or national DNA
25 database, to be used in accordance with other provisions of
26 this Section, by the Illinois State Police.

1 Notwithstanding other provisions of this Section, any
2 person sentenced to life imprisonment in a facility of the
3 Illinois Department of Corrections after the effective date of
4 this amendatory Act of the 94th General Assembly or sentenced
5 to death after the effective date of this amendatory Act of the
6 94th General Assembly shall be required to provide a specimen
7 of blood, saliva, or tissue within 45 days after sentencing or
8 disposition at a collection site designated by the Illinois
9 Department of State Police. Any person serving a sentence of
10 life imprisonment in a facility of the Illinois Department of
11 Corrections on the effective date of this amendatory Act of the
12 94th General Assembly or any person who is under a sentence of
13 death on the effective date of this amendatory Act of the 94th
14 General Assembly shall be required to provide a specimen of
15 blood, saliva, or tissue upon request at a collection site
16 designated by the Illinois Department of State Police.

17 (a-5) Any person who was otherwise convicted of or received
18 a disposition of court supervision for any other offense under
19 the Criminal Code of 1961 or who was found guilty or given
20 supervision for such a violation under the Juvenile Court Act
21 of 1987, may, regardless of the sentence imposed, be required
22 by an order of the court to submit specimens of blood, saliva,
23 or tissue to the Illinois Department of State Police in
24 accordance with the provisions of this Section.

25 (b) Any person required by paragraphs (a)(1), (a)(1.5),
26 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,

1 saliva, or tissue shall provide specimens of blood, saliva, or
2 tissue within 45 days after sentencing or disposition at a
3 collection site designated by the Illinois Department of State
4 Police.

5 (c) Any person required by paragraphs (a)(3), (a)(4), and
6 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
7 be required to provide such samples prior to final discharge or
8 within 6 months from August 13, 2009 (the effective date of
9 Public Act 96-426), whichever is sooner. These specimens shall
10 be placed into the State or national DNA database, to be used
11 in accordance with other provisions of this Act, by the
12 Illinois State Police.

13 (c-5) Any person required by paragraph (a)(5) to provide
14 specimens of blood, saliva, or tissue shall, where feasible, be
15 required to provide the specimens before being accepted for
16 conditioned residency in Illinois under the interstate compact
17 or agreement, but no later than 45 days after arrival in this
18 State.

19 (c-6) The Illinois Department of State Police may determine
20 which type of specimen or specimens, blood, saliva, or tissue,
21 is acceptable for submission to the Division of Forensic
22 Services for analysis.

23 (d) The Illinois Department of State Police shall provide
24 all equipment and instructions necessary for the collection of
25 blood samples. The collection of samples shall be performed in
26 a medically approved manner. Only a physician authorized to

1 practice medicine, a registered nurse or other qualified person
2 trained in venipuncture may withdraw blood for the purposes of
3 this Act. The samples shall thereafter be forwarded to the
4 Illinois Department of State Police, Division of Forensic
5 Services, for analysis and categorizing into genetic marker
6 groupings.

7 (d-1) The Illinois Department of State Police shall provide
8 all equipment and instructions necessary for the collection of
9 saliva samples. The collection of saliva samples shall be
10 performed in a medically approved manner. Only a person trained
11 in the instructions promulgated by the Illinois State Police on
12 collecting saliva may collect saliva for the purposes of this
13 Section. The samples shall thereafter be forwarded to the
14 Illinois Department of State Police, Division of Forensic
15 Services, for analysis and categorizing into genetic marker
16 groupings.

17 (d-2) The Illinois Department of State Police shall provide
18 all equipment and instructions necessary for the collection of
19 tissue samples. The collection of tissue samples shall be
20 performed in a medically approved manner. Only a person trained
21 in the instructions promulgated by the Illinois State Police on
22 collecting tissue may collect tissue for the purposes of this
23 Section. The samples shall thereafter be forwarded to the
24 Illinois Department of State Police, Division of Forensic
25 Services, for analysis and categorizing into genetic marker
26 groupings.

1 (d-5) To the extent that funds are available, the Illinois
2 Department of State Police shall contract with qualified
3 personnel and certified laboratories for the collection,
4 analysis, and categorization of known samples, except as
5 provided in subsection (n) of this Section.

6 (d-6) Agencies designated by the Illinois Department of
7 State Police and the Illinois Department of State Police may
8 contract with third parties to provide for the collection or
9 analysis of DNA, or both, of an offender's blood, saliva, and
10 tissue samples, except as provided in subsection (n) of this
11 Section.

12 (e) The genetic marker groupings shall be maintained by the
13 Illinois Department of State Police, Division of Forensic
14 Services.

15 (f) The genetic marker grouping analysis information
16 obtained pursuant to this Act shall be confidential and shall
17 be released only to peace officers of the United States, of
18 other states or territories, of the insular possessions of the
19 United States, of foreign countries duly authorized to receive
20 the same, to all peace officers of the State of Illinois and to
21 all prosecutorial agencies, and to defense counsel as provided
22 by Section 116-5 of the Code of Criminal Procedure of 1963. The
23 genetic marker grouping analysis information obtained pursuant
24 to this Act shall be used only for (i) valid law enforcement
25 identification purposes and as required by the Federal Bureau
26 of Investigation for participation in the National DNA

1 database, (ii) technology validation purposes, (iii) a
2 population statistics database, (iv) quality assurance
3 purposes if personally identifying information is removed, (v)
4 assisting in the defense of the criminally accused pursuant to
5 Section 116-5 of the Code of Criminal Procedure of 1963, or
6 (vi) identifying and assisting in the prosecution of a person
7 who is suspected of committing a sexual assault as defined in
8 Section 1a of the Sexual Assault Survivors Emergency Treatment
9 Act. Notwithstanding any other statutory provision to the
10 contrary, all information obtained under this Section shall be
11 maintained in a single State data base, which may be uploaded
12 into a national database, and which information may be subject
13 to expungement only as set forth in subsection (f-1).

14 (f-1) Upon receipt of notification of a reversal of a
15 conviction based on actual innocence, or of the granting of a
16 pardon pursuant to Section 12 of Article V of the Illinois
17 Constitution, if that pardon document specifically states that
18 the reason for the pardon is the actual innocence of an
19 individual whose DNA record has been stored in the State or
20 national DNA identification index in accordance with this
21 Section by the Illinois Department of State Police, the DNA
22 record shall be expunged from the DNA identification index, and
23 the Department shall by rule prescribe procedures to ensure
24 that the record and any samples, analyses, or other documents
25 relating to such record, whether in the possession of the
26 Department or any law enforcement or police agency, or any

1 forensic DNA laboratory, including any duplicates or copies
2 thereof, are destroyed and a letter is sent to the court
3 verifying the expungement is completed.

4 (f-5) Any person who intentionally uses genetic marker
5 grouping analysis information, or any other information
6 derived from a DNA sample, beyond the authorized uses as
7 provided under this Section, or any other Illinois law, is
8 guilty of a Class 4 felony, and shall be subject to a fine of
9 not less than \$5,000.

10 (f-6) The Illinois Department of State Police may contract
11 with third parties for the purposes of implementing this
12 amendatory Act of the 93rd General Assembly, except as provided
13 in subsection (n) of this Section. Any other party contracting
14 to carry out the functions of this Section shall be subject to
15 the same restrictions and requirements of this Section insofar
16 as applicable, as the Illinois Department of State Police, and
17 to any additional restrictions imposed by the Illinois
18 Department of State Police.

19 (g) For the purposes of this Section, "qualifying offense"
20 means any of the following:

21 (1) any violation or inchoate violation of Section
22 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
23 12-16 of the Criminal Code of 1961;

24 (1.1) any violation or inchoate violation of Section
25 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
26 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which

1 persons are convicted on or after July 1, 2001;

2 (2) any former statute of this State which defined a
3 felony sexual offense;

4 (3) (blank);

5 (4) any inchoate violation of Section 9-3.1, 11-9.3,
6 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

7 (5) any violation or inchoate violation of Article 29D
8 of the Criminal Code of 1961.

9 (g-5) (Blank).

10 (h) The Illinois Department of State Police shall be the
11 State central repository for all genetic marker grouping
12 analysis information obtained pursuant to this Act. The
13 Illinois Department of State Police may promulgate rules for
14 the form and manner of the collection of blood, saliva, or
15 tissue samples and other procedures for the operation of this
16 Act. The provisions of the Administrative Review Law shall
17 apply to all actions taken under the rules so promulgated.

18 (i) (1) A person required to provide a blood, saliva, or
19 tissue specimen shall cooperate with the collection of the
20 specimen and any deliberate act by that person intended to
21 impede, delay or stop the collection of the blood, saliva,
22 or tissue specimen is a Class A misdemeanor.

23 (2) In the event that a person's DNA sample is not
24 adequate for any reason, the person shall provide another
25 DNA sample for analysis. Duly authorized law enforcement
26 and corrections personnel may employ reasonable force in

1 cases in which an individual refuses to provide a DNA
2 sample required under this Act.

3 (j) Any person required by subsection (a) to submit
4 specimens of blood, saliva, or tissue to the Illinois
5 Department of State Police for analysis and categorization into
6 genetic marker grouping, in addition to any other disposition,
7 penalty, or fine imposed, shall pay an analysis fee of \$200. If
8 the analysis fee is not paid at the time of sentencing, the
9 court shall establish a fee schedule by which the entire amount
10 of the analysis fee shall be paid in full, such schedule not to
11 exceed 24 months from the time of conviction. The inability to
12 pay this analysis fee shall not be the sole ground to
13 incarcerate the person.

14 (k) All analysis and categorization fees provided for by
15 subsection (j) shall be regulated as follows:

16 (1) The State Offender DNA Identification System Fund
17 is hereby created as a special fund in the State Treasury.

18 (2) All fees shall be collected by the clerk of the
19 court and forwarded to the State Offender DNA
20 Identification System Fund for deposit. The clerk of the
21 circuit court may retain the amount of \$10 from each
22 collected analysis fee to offset administrative costs
23 incurred in carrying out the clerk's responsibilities
24 under this Section.

25 (3) Fees deposited into the State Offender DNA
26 Identification System Fund shall be used by Illinois State

1 Police crime laboratories as designated by the Director of
2 State Police. These funds shall be in addition to any
3 allocations made pursuant to existing laws and shall be
4 designated for the exclusive use of State crime
5 laboratories. These uses may include, but are not limited
6 to, the following:

7 (A) Costs incurred in providing analysis and
8 genetic marker categorization as required by
9 subsection (d).

10 (B) Costs incurred in maintaining genetic marker
11 groupings as required by subsection (e).

12 (C) Costs incurred in the purchase and maintenance
13 of equipment for use in performing analyses.

14 (D) Costs incurred in continuing research and
15 development of new techniques for analysis and genetic
16 marker categorization.

17 (E) Costs incurred in continuing education,
18 training, and professional development of forensic
19 scientists regularly employed by these laboratories.

20 (1) The failure of a person to provide a specimen, or of
21 any person or agency to collect a specimen, within the 45 day
22 period shall in no way alter the obligation of the person to
23 submit such specimen, or the authority of the Illinois
24 Department of State Police or persons designated by the
25 Department to collect the specimen, or the authority of the
26 Illinois Department of State Police to accept, analyze and

1 maintain the specimen or to maintain or upload results of
2 genetic marker grouping analysis information into a State or
3 national database.

4 (m) If any provision of this amendatory Act of the 93rd
5 General Assembly is held unconstitutional or otherwise
6 invalid, the remainder of this amendatory Act of the 93rd
7 General Assembly is not affected.

8 (n) Neither the Department of State Police, the Division of
9 Forensic Services, nor any laboratory of the Division of
10 Forensic Services may contract out forensic testing for the
11 purpose of an active investigation or a matter pending before a
12 court of competent jurisdiction without the written consent of
13 the prosecuting agency. For the purposes of this subsection
14 (n), "forensic testing" includes the analysis of physical
15 evidence in an investigation or other proceeding for the
16 prosecution of a violation of the Criminal Code of 1961 or for
17 matters adjudicated under the Juvenile Court Act of 1987, and
18 includes the use of forensic databases and databanks, including
19 DNA, firearm, and fingerprint databases, and expert testimony.
20 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
21 96-1000, eff. 7-2-10.)

22 (730 ILCS 5/5-4-3.2)

23 Sec. 5-4-3.2. Collection and storage of Internet protocol
24 addresses.

25 (a) Cyber-crimes Location Database. The Attorney General

1 is hereby authorized to establish and maintain the "Illinois
2 Cyber-crimes Location Database" (ICLD) to collect, store, and
3 use Internet protocol (IP) addresses for purposes of
4 investigating and prosecuting child exploitation crimes on the
5 Internet.

6 (b) "Internet protocol address" means the string of numbers
7 by which a location on the Internet is identified by routers or
8 other computers connected to the Internet.

9 (c) Collection of Internet Protocol addresses.

10 (1) Collection upon commitment under the Sexually
11 Dangerous Persons Act. Upon motion for a defendant's
12 confinement under the Sexually Dangerous Persons Act for
13 criminal charges under Section 11-6, 11-20.1, 11-20.1B,
14 11-20.3, or 11-21 of the Criminal Code of 1961, the State's
15 Attorney or Attorney General shall record all Internet
16 protocol (IP) addresses which the defendant may access from
17 his or her residence or place of employment, registered in
18 his or her name, or otherwise has under his or her control
19 or custody.

20 (2) Collection upon conviction. Upon conviction for
21 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
22 11-21 of the Criminal Code of 1961, a State's Attorney
23 shall record from defendants all Internet protocol (IP)
24 addresses which the defendant may access from his or her
25 residence or place of employment, registered in his or her
26 name, or otherwise has under his or her control or custody,

1 regardless of the sentence or disposition imposed.

2 (d) Storage and use of the Database. Internet protocol (IP)
3 addresses recorded pursuant to this Section shall be submitted
4 to the Attorney General for storage and use in the Illinois
5 Cyber-crimes Location Database. The Attorney General and its
6 designated agents may access the database for the purpose of
7 investigation and prosecution of crimes listed in this Section.
8 In addition, the Attorney General is authorized to share
9 information stored in the database with the National Center for
10 Missing and Exploited Children (NCMEC) and any federal, state,
11 or local law enforcement agencies for the investigation or
12 prosecution of child exploitation crimes.

13 (Source: P.A. 95-579, eff. 8-31-07.)

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

19 (2) A period of probation, a term of periodic
20 imprisonment or conditional discharge shall not be imposed
21 for the following offenses. The court shall sentence the
22 offender to not less than the minimum term of imprisonment
23 set forth in this Code for the following offenses, and may
24 order a fine or restitution or both in conjunction with
25 such term of imprisonment:

1 (A) First degree murder where the death penalty is
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the
6 Illinois Controlled Substances Act, or a violation of
7 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
8 of that Act which relates to more than 5 grams of a
9 substance containing heroin, cocaine, fentanyl, or an
10 analog thereof.

11 (E) A violation of Section 5.1 or 9 of the Cannabis
12 Control Act.

13 (F) A Class 2 or greater felony if the offender had
14 been convicted of a Class 2 or greater felony,
15 including any state or federal conviction for an
16 offense that contained, at the time it was committed,
17 the same elements as an offense now (the date of the
18 offense committed after the prior Class 2 or greater
19 felony) classified as a Class 2 or greater felony,
20 within 10 years of the date on which the offender
21 committed the offense for which he or she is being
22 sentenced, except as otherwise provided in Section
23 40-10 of the Alcoholism and Other Drug Abuse and
24 Dependency Act.

25 (F-5) A violation of Section 24-1, 24-1.1, or
26 24-1.6 of the Criminal Code of 1961 for which

1 imprisonment is prescribed in those Sections.

2 (G) Residential burglary, except as otherwise
3 provided in Section 40-10 of the Alcoholism and Other
4 Drug Abuse and Dependency Act.

5 (H) Criminal sexual assault.

6 (I) Aggravated battery of a senior citizen.

7 (J) A forcible felony if the offense was related to
8 the activities of an organized gang.

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of 5
11 or more persons, with an established hierarchy, that
12 encourages members of the association to perpetrate
13 crimes or provides support to the members of the
14 association who do commit crimes.

15 Beginning July 1, 1994, for the purposes of this
16 paragraph, "organized gang" has the meaning ascribed
17 to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the
21 offense of hate crime when the underlying offense upon
22 which the hate crime is based is felony aggravated
23 assault or felony mob action.

24 (M) A second or subsequent conviction for the
25 offense of institutional vandalism if the damage to the
26 property exceeds \$300.

1 (N) A Class 3 felony violation of paragraph (1) of
2 subsection (a) of Section 2 of the Firearm Owners
3 Identification Card Act.

4 (O) A violation of Section 12-6.1 of the Criminal
5 Code of 1961.

6 (P) A violation of paragraph (1), (2), (3), (4),
7 (5), or (7) of subsection (a) of Section 11-20.1 of the
8 Criminal Code of 1961.

9 (Q) A violation of Section 20-1.2 or 20-1.3 of the
10 Criminal Code of 1961.

11 (R) A violation of Section 24-3A of the Criminal
12 Code of 1961.

13 (S) (Blank).

14 (T) A second or subsequent violation of the
15 Methamphetamine Control and Community Protection Act.

16 (U) A second or subsequent violation of Section
17 6-303 of the Illinois Vehicle Code committed while his
18 or her driver's license, permit, or privilege was
19 revoked because of a violation of Section 9-3 of the
20 Criminal Code of 1961, relating to the offense of
21 reckless homicide, or a similar provision of a law of
22 another state.

23 (V) A violation of paragraph (4) of subsection (c)
24 of Section 11-20.1B or paragraph (4) of subsection (c)
25 of Section 11-20.3 of the Criminal Code of 1961.

26 (W) A violation of Section 24-3.5 of the Criminal

1 Code of 1961.

2 (X) A violation of subsection (a) of Section 31-1a
3 of the Criminal Code of 1961.

4 (Y) A conviction for unlawful possession of a
5 firearm by a street gang member when the firearm was
6 loaded or contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge
9 for a felony.

10 (AA) Theft of property exceeding \$500,000 and not
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of
13 a value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding
15 for sale, or using 2,000 or more counterfeit items or
16 counterfeit items having a retail value in the
17 aggregate of \$500,000 or more.

18 (3) (Blank).

19 (4) A minimum term of imprisonment of not less than 10
20 consecutive days or 30 days of community service shall be
21 imposed for a violation of paragraph (c) of Section 6-303
22 of the Illinois Vehicle Code.

23 (4.1) (Blank).

24 (4.2) Except as provided in paragraphs (4.3) and (4.8)
25 of this subsection (c), a minimum of 100 hours of community
26 service shall be imposed for a second violation of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.3) A minimum term of imprisonment of 30 days or 300
3 hours of community service, as determined by the court,
4 shall be imposed for a second violation of subsection (c)
5 of Section 6-303 of the Illinois Vehicle Code.

6 (4.4) Except as provided in paragraphs (4.5), (4.6),
7 and (4.9) of this subsection (c), a minimum term of
8 imprisonment of 30 days or 300 hours of community service,
9 as determined by the court, shall be imposed for a third or
10 subsequent violation of Section 6-303 of the Illinois
11 Vehicle Code.

12 (4.5) A minimum term of imprisonment of 30 days shall
13 be imposed for a third violation of subsection (c) of
14 Section 6-303 of the Illinois Vehicle Code.

15 (4.6) Except as provided in paragraph (4.10) of this
16 subsection (c), a minimum term of imprisonment of 180 days
17 shall be imposed for a fourth or subsequent violation of
18 subsection (c) of Section 6-303 of the Illinois Vehicle
19 Code.

20 (4.7) A minimum term of imprisonment of not less than
21 30 consecutive days, or 300 hours of community service,
22 shall be imposed for a violation of subsection (a-5) of
23 Section 6-303 of the Illinois Vehicle Code, as provided in
24 subsection (b-5) of that Section.

25 (4.8) A mandatory prison sentence shall be imposed for
26 a second violation of subsection (a-5) of Section 6-303 of

1 the Illinois Vehicle Code, as provided in subsection (c-5)
2 of that Section. The person's driving privileges shall be
3 revoked for a period of not less than 5 years from the date
4 of his or her release from prison.

5 (4.9) A mandatory prison sentence of not less than 4
6 and not more than 15 years shall be imposed for a third
7 violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (d-2.5) of
9 that Section. The person's driving privileges shall be
10 revoked for the remainder of his or her life.

11 (4.10) A mandatory prison sentence for a Class 1 felony
12 shall be imposed, and the person shall be eligible for an
13 extended term sentence, for a fourth or subsequent
14 violation of subsection (a-5) of Section 6-303 of the
15 Illinois Vehicle Code, as provided in subsection (d-3.5) of
16 that Section. The person's driving privileges shall be
17 revoked for the remainder of his or her life.

18 (5) The court may sentence a corporation or
19 unincorporated association convicted of any offense to:

20 (A) a period of conditional discharge;

21 (B) a fine;

22 (C) make restitution to the victim under Section
23 5-5-6 of this Code.

24 (5.1) In addition to any other penalties imposed, and
25 except as provided in paragraph (5.2) or (5.3), a person
26 convicted of violating subsection (c) of Section 11-907 of

1 the Illinois Vehicle Code shall have his or her driver's
2 license, permit, or privileges suspended for at least 90
3 days but not more than one year, if the violation resulted
4 in damage to the property of another person.

5 (5.2) In addition to any other penalties imposed, and
6 except as provided in paragraph (5.3), a person convicted
7 of violating subsection (c) of Section 11-907 of the
8 Illinois Vehicle Code shall have his or her driver's
9 license, permit, or privileges suspended for at least 180
10 days but not more than 2 years, if the violation resulted
11 in injury to another person.

12 (5.3) In addition to any other penalties imposed, a
13 person convicted of violating subsection (c) of Section
14 11-907 of the Illinois Vehicle Code shall have his or her
15 driver's license, permit, or privileges suspended for 2
16 years, if the violation resulted in the death of another
17 person.

18 (5.4) In addition to any other penalties imposed, a
19 person convicted of violating Section 3-707 of the Illinois
20 Vehicle Code shall have his or her driver's license,
21 permit, or privileges suspended for 3 months and until he
22 or she has paid a reinstatement fee of \$100.

23 (5.5) In addition to any other penalties imposed, a
24 person convicted of violating Section 3-707 of the Illinois
25 Vehicle Code during a period in which his or her driver's
26 license, permit, or privileges were suspended for a

1 previous violation of that Section shall have his or her
2 driver's license, permit, or privileges suspended for an
3 additional 6 months after the expiration of the original
4 3-month suspension and until he or she has paid a
5 reinstatement fee of \$100.

6 (6) (Blank).

7 (7) (Blank).

8 (8) (Blank).

9 (9) A defendant convicted of a second or subsequent
10 offense of ritualized abuse of a child may be sentenced to
11 a term of natural life imprisonment.

12 (10) (Blank).

13 (11) The court shall impose a minimum fine of \$1,000
14 for a first offense and \$2,000 for a second or subsequent
15 offense upon a person convicted of or placed on supervision
16 for battery when the individual harmed was a sports
17 official or coach at any level of competition and the act
18 causing harm to the sports official or coach occurred
19 within an athletic facility or within the immediate
20 vicinity of the athletic facility at which the sports
21 official or coach was an active participant of the athletic
22 contest held at the athletic facility. For the purposes of
23 this paragraph (11), "sports official" means a person at an
24 athletic contest who enforces the rules of the contest,
25 such as an umpire or referee; "athletic facility" means an
26 indoor or outdoor playing field or recreational area where

1 sports activities are conducted; and "coach" means a person
2 recognized as a coach by the sanctioning authority that
3 conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation
8 of that Section.

9 (13) A person convicted of or placed on court
10 supervision for an assault or aggravated assault when the
11 victim and the offender are family or household members as
12 defined in Section 103 of the Illinois Domestic Violence
13 Act of 1986 or convicted of domestic battery or aggravated
14 domestic battery may be required to attend a Partner Abuse
15 Intervention Program under protocols set forth by the
16 Illinois Department of Human Services under such terms and
17 conditions imposed by the court. The costs of such classes
18 shall be paid by the offender.

19 (d) In any case in which a sentence originally imposed is
20 vacated, the case shall be remanded to the trial court. The
21 trial court shall hold a hearing under Section 5-4-1 of the
22 Unified Code of Corrections which may include evidence of the
23 defendant's life, moral character and occupation during the
24 time since the original sentence was passed. The trial court
25 shall then impose sentence upon the defendant. The trial court
26 may impose any sentence which could have been imposed at the

1 original trial subject to Section 5-5-4 of the Unified Code of
2 Corrections. If a sentence is vacated on appeal or on
3 collateral attack due to the failure of the trier of fact at
4 trial to determine beyond a reasonable doubt the existence of a
5 fact (other than a prior conviction) necessary to increase the
6 punishment for the offense beyond the statutory maximum
7 otherwise applicable, either the defendant may be re-sentenced
8 to a term within the range otherwise provided or, if the State
9 files notice of its intention to again seek the extended
10 sentence, the defendant shall be afforded a new trial.

11 (e) In cases where prosecution for aggravated criminal
12 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
13 Code of 1961 results in conviction of a defendant who was a
14 family member of the victim at the time of the commission of
15 the offense, the court shall consider the safety and welfare of
16 the victim and may impose a sentence of probation only where:

17 (1) the court finds (A) or (B) or both are appropriate:

18 (A) the defendant is willing to undergo a court
19 approved counseling program for a minimum duration of 2
20 years; or

21 (B) the defendant is willing to participate in a
22 court approved plan including but not limited to the
23 defendant's:

24 (i) removal from the household;

25 (ii) restricted contact with the victim;

26 (iii) continued financial support of the

1 family;
2 (iv) restitution for harm done to the victim;
3 and
4 (v) compliance with any other measures that
5 the court may deem appropriate; and

6 (2) the court orders the defendant to pay for the
7 victim's counseling services, to the extent that the court
8 finds, after considering the defendant's income and
9 assets, that the defendant is financially capable of paying
10 for such services, if the victim was under 18 years of age
11 at the time the offense was committed and requires
12 counseling as a result of the offense.

13 Probation may be revoked or modified pursuant to Section
14 5-6-4; except where the court determines at the hearing that
15 the defendant violated a condition of his or her probation
16 restricting contact with the victim or other family members or
17 commits another offense with the victim or other family
18 members, the court shall revoke the defendant's probation and
19 impose a term of imprisonment.

20 For the purposes of this Section, "family member" and
21 "victim" shall have the meanings ascribed to them in Section
22 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

23 (f) (Blank).

24 (g) Whenever a defendant is convicted of an offense under
25 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
26 11-14.3, 11-14.4 except for an offense that involves keeping a

1 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
2 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
3 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
4 defendant shall undergo medical testing to determine whether
5 the defendant has any sexually transmissible disease,
6 including a test for infection with human immunodeficiency
7 virus (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Any such medical test shall
9 be performed only by appropriately licensed medical
10 practitioners and may include an analysis of any bodily fluids
11 as well as an examination of the defendant's person. Except as
12 otherwise provided by law, the results of such test shall be
13 kept strictly confidential by all medical personnel involved in
14 the testing and must be personally delivered in a sealed
15 envelope to the judge of the court in which the conviction was
16 entered for the judge's inspection in camera. Acting in
17 accordance with the best interests of the victim and the
18 public, the judge shall have the discretion to determine to
19 whom, if anyone, the results of the testing may be revealed.
20 The court shall notify the defendant of the test results. The
21 court shall also notify the victim if requested by the victim,
22 and if the victim is under the age of 15 and if requested by the
23 victim's parents or legal guardian, the court shall notify the
24 victim's parents or legal guardian of the test results. The
25 court shall provide information on the availability of HIV
26 testing and counseling at Department of Public Health

1 facilities to all parties to whom the results of the testing
2 are revealed and shall direct the State's Attorney to provide
3 the information to the victim when possible. A State's Attorney
4 may petition the court to obtain the results of any HIV test
5 administered under this Section, and the court shall grant the
6 disclosure if the State's Attorney shows it is relevant in
7 order to prosecute a charge of criminal transmission of HIV
8 under Section 12-16.2 of the Criminal Code of 1961 against the
9 defendant. The court shall order that the cost of any such test
10 shall be paid by the county and may be taxed as costs against
11 the convicted defendant.

12 (g-5) When an inmate is tested for an airborne communicable
13 disease, as determined by the Illinois Department of Public
14 Health including but not limited to tuberculosis, the results
15 of the test shall be personally delivered by the warden or his
16 or her designee in a sealed envelope to the judge of the court
17 in which the inmate must appear for the judge's inspection in
18 camera if requested by the judge. Acting in accordance with the
19 best interests of those in the courtroom, the judge shall have
20 the discretion to determine what if any precautions need to be
21 taken to prevent transmission of the disease in the courtroom.

22 (h) Whenever a defendant is convicted of an offense under
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
24 defendant shall undergo medical testing to determine whether
25 the defendant has been exposed to human immunodeficiency virus
26 (HIV) or any other identified causative agent of acquired

1 immunodeficiency syndrome (AIDS). Except as otherwise provided
2 by law, the results of such test shall be kept strictly
3 confidential by all medical personnel involved in the testing
4 and must be personally delivered in a sealed envelope to the
5 judge of the court in which the conviction was entered for the
6 judge's inspection in camera. Acting in accordance with the
7 best interests of the public, the judge shall have the
8 discretion to determine to whom, if anyone, the results of the
9 testing may be revealed. The court shall notify the defendant
10 of a positive test showing an infection with the human
11 immunodeficiency virus (HIV). The court shall provide
12 information on the availability of HIV testing and counseling
13 at Department of Public Health facilities to all parties to
14 whom the results of the testing are revealed and shall direct
15 the State's Attorney to provide the information to the victim
16 when possible. A State's Attorney may petition the court to
17 obtain the results of any HIV test administered under this
18 Section, and the court shall grant the disclosure if the
19 State's Attorney shows it is relevant in order to prosecute a
20 charge of criminal transmission of HIV under Section 12-16.2 of
21 the Criminal Code of 1961 against the defendant. The court
22 shall order that the cost of any such test shall be paid by the
23 county and may be taxed as costs against the convicted
24 defendant.

25 (i) All fines and penalties imposed under this Section for
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and
2 any violation of the Child Passenger Protection Act, or a
3 similar provision of a local ordinance, shall be collected and
4 disbursed by the circuit clerk as provided under Section 27.5
5 of the Clerks of Courts Act.

6 (j) In cases when prosecution for any violation of Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
11 12-15, or 12-16 of the Criminal Code of 1961, any violation of
12 the Illinois Controlled Substances Act, any violation of the
13 Cannabis Control Act, or any violation of the Methamphetamine
14 Control and Community Protection Act results in conviction, a
15 disposition of court supervision, or an order of probation
16 granted under Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substance Act, or Section 70 of
18 the Methamphetamine Control and Community Protection Act of a
19 defendant, the court shall determine whether the defendant is
20 employed by a facility or center as defined under the Child
21 Care Act of 1969, a public or private elementary or secondary
22 school, or otherwise works with children under 18 years of age
23 on a daily basis. When a defendant is so employed, the court
24 shall order the Clerk of the Court to send a copy of the
25 judgment of conviction or order of supervision or probation to
26 the defendant's employer by certified mail. If the employer of

1 the defendant is a school, the Clerk of the Court shall direct
2 the mailing of a copy of the judgment of conviction or order of
3 supervision or probation to the appropriate regional
4 superintendent of schools. The regional superintendent of
5 schools shall notify the State Board of Education of any
6 notification under this subsection.

7 (j-5) A defendant at least 17 years of age who is convicted
8 of a felony and who has not been previously convicted of a
9 misdemeanor or felony and who is sentenced to a term of
10 imprisonment in the Illinois Department of Corrections shall as
11 a condition of his or her sentence be required by the court to
12 attend educational courses designed to prepare the defendant
13 for a high school diploma and to work toward a high school
14 diploma or to work toward passing the high school level Test of
15 General Educational Development (GED) or to work toward
16 completing a vocational training program offered by the
17 Department of Corrections. If a defendant fails to complete the
18 educational training required by his or her sentence during the
19 term of incarceration, the Prisoner Review Board shall, as a
20 condition of mandatory supervised release, require the
21 defendant, at his or her own expense, to pursue a course of
22 study toward a high school diploma or passage of the GED test.
23 The Prisoner Review Board shall revoke the mandatory supervised
24 release of a defendant who wilfully fails to comply with this
25 subsection (j-5) upon his or her release from confinement in a
26 penal institution while serving a mandatory supervised release

1 term; however, the inability of the defendant after making a
2 good faith effort to obtain financial aid or pay for the
3 educational training shall not be deemed a wilful failure to
4 comply. The Prisoner Review Board shall recommit the defendant
5 whose mandatory supervised release term has been revoked under
6 this subsection (j-5) as provided in Section 3-3-9. This
7 subsection (j-5) does not apply to a defendant who has a high
8 school diploma or has successfully passed the GED test. This
9 subsection (j-5) does not apply to a defendant who is
10 determined by the court to be developmentally disabled or
11 otherwise mentally incapable of completing the educational or
12 vocational program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection
15 (l), whenever a defendant, who is an alien as defined by
16 the Immigration and Nationality Act, is convicted of any
17 felony or misdemeanor offense, the court after sentencing
18 the defendant may, upon motion of the State's Attorney,
19 hold sentence in abeyance and remand the defendant to the
20 custody of the Attorney General of the United States or his
21 or her designated agent to be deported when:

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under
24 the Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as
3 provided in this Chapter V.

4 (B) If the defendant has already been sentenced for a
5 felony or misdemeanor offense, or has been placed on
6 probation under Section 10 of the Cannabis Control Act,
7 Section 410 of the Illinois Controlled Substances Act, or
8 Section 70 of the Methamphetamine Control and Community
9 Protection Act, the court may, upon motion of the State's
10 Attorney to suspend the sentence imposed, commit the
11 defendant to the custody of the Attorney General of the
12 United States or his or her designated agent when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who
20 are subject to the provisions of paragraph (2) of
21 subsection (a) of Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant
23 sentenced under this Section returns to the jurisdiction of
24 the United States, the defendant shall be recommitted to
25 the custody of the county from which he or she was
26 sentenced. Thereafter, the defendant shall be brought

1 before the sentencing court, which may impose any sentence
2 that was available under Section 5-5-3 at the time of
3 initial sentencing. In addition, the defendant shall not be
4 eligible for additional good conduct credit for
5 meritorious service as provided under Section 3-6-6.

6 (m) A person convicted of criminal defacement of property
7 under Section 21-1.3 of the Criminal Code of 1961, in which the
8 property damage exceeds \$300 and the property damaged is a
9 school building, shall be ordered to perform community service
10 that may include cleanup, removal, or painting over the
11 defacement.

12 (n) The court may sentence a person convicted of a
13 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
14 Code of 1961 (i) to an impact incarceration program if the
15 person is otherwise eligible for that program under Section
16 5-8-1.1, (ii) to community service, or (iii) if the person is
17 an addict or alcoholic, as defined in the Alcoholism and Other
18 Drug Abuse and Dependency Act, to a substance or alcohol abuse
19 program licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act, the
22 defendant's driver's license or permit shall be subject to
23 renewal on an annual basis in accordance with the provisions of
24 license renewal established by the Secretary of State.

25 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
26 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;

1 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
2 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
3 eff. 12-3-09; 96-1200, eff. 7-22-10.)

4 (730 ILCS 5/5-5-3.2)

5 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
6 Sentencing.

7 (a) The following factors shall be accorded weight in favor
8 of imposing a term of imprisonment or may be considered by the
9 court as reasons to impose a more severe sentence under Section
10 5-8-1 or Article 4.5 of Chapter V:

11 (1) the defendant's conduct caused or threatened
12 serious harm;

13 (2) the defendant received compensation for committing
14 the offense;

15 (3) the defendant has a history of prior delinquency or
16 criminal activity;

17 (4) the defendant, by the duties of his office or by
18 his position, was obliged to prevent the particular offense
19 committed or to bring the offenders committing it to
20 justice;

21 (5) the defendant held public office at the time of the
22 offense, and the offense related to the conduct of that
23 office;

24 (6) the defendant utilized his professional reputation
25 or position in the community to commit the offense, or to

1 afford him an easier means of committing it;

2 (7) the sentence is necessary to deter others from
3 committing the same crime;

4 (8) the defendant committed the offense against a
5 person 60 years of age or older or such person's property;

6 (9) the defendant committed the offense against a
7 person who is physically handicapped or such person's
8 property;

9 (10) by reason of another individual's actual or
10 perceived race, color, creed, religion, ancestry, gender,
11 sexual orientation, physical or mental disability, or
12 national origin, the defendant committed the offense
13 against (i) the person or property of that individual; (ii)
14 the person or property of a person who has an association
15 with, is married to, or has a friendship with the other
16 individual; or (iii) the person or property of a relative
17 (by blood or marriage) of a person described in clause (i)
18 or (ii). For the purposes of this Section, "sexual
19 orientation" means heterosexuality, homosexuality, or
20 bisexuality;

21 (11) the offense took place in a place of worship or on
22 the grounds of a place of worship, immediately prior to,
23 during or immediately following worship services. For
24 purposes of this subparagraph, "place of worship" shall
25 mean any church, synagogue or other building, structure or
26 place used primarily for religious worship;

1 (12) the defendant was convicted of a felony committed
2 while he was released on bail or his own recognizance
3 pending trial for a prior felony and was convicted of such
4 prior felony, or the defendant was convicted of a felony
5 committed while he was serving a period of probation,
6 conditional discharge, or mandatory supervised release
7 under subsection (d) of Section 5-8-1 for a prior felony;

8 (13) the defendant committed or attempted to commit a
9 felony while he was wearing a bulletproof vest. For the
10 purposes of this paragraph (13), a bulletproof vest is any
11 device which is designed for the purpose of protecting the
12 wearer from bullets, shot or other lethal projectiles;

13 (14) the defendant held a position of trust or
14 supervision such as, but not limited to, family member as
15 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of
16 1961, teacher, scout leader, baby sitter, or day care
17 worker, in relation to a victim under 18 years of age, and
18 the defendant committed an offense in violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
20 11-14.4 except for an offense that involves keeping a place
21 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
22 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
23 or 12-16 of the Criminal Code of 1961 against that victim;

24 (15) the defendant committed an offense related to the
25 activities of an organized gang. For the purposes of this
26 factor, "organized gang" has the meaning ascribed to it in

1 Section 10 of the Streetgang Terrorism Omnibus Prevention
2 Act;

3 (16) the defendant committed an offense in violation of
4 one of the following Sections while in a school, regardless
5 of the time of day or time of year; on any conveyance
6 owned, leased, or contracted by a school to transport
7 students to or from school or a school related activity; on
8 the real property of a school; or on a public way within
9 1,000 feet of the real property comprising any school:
10 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
13 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
14 33A-2 of the Criminal Code of 1961;

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
26 33A-2 of the Criminal Code of 1961;

1 (17) the defendant committed the offense by reason of
2 any person's activity as a community policing volunteer or
3 to prevent any person from engaging in activity as a
4 community policing volunteer. For the purpose of this
5 Section, "community policing volunteer" has the meaning
6 ascribed to it in Section 2-3.5 of the Criminal Code of
7 1961;

8 (18) the defendant committed the offense in a nursing
9 home or on the real property comprising a nursing home. For
10 the purposes of this paragraph (18), "nursing home" means a
11 skilled nursing or intermediate long term care facility
12 that is subject to license by the Illinois Department of
13 Public Health under the Nursing Home Care Act or the MR/DD
14 Community Care Act;

15 (19) the defendant was a federally licensed firearm
16 dealer and was previously convicted of a violation of
17 subsection (a) of Section 3 of the Firearm Owners
18 Identification Card Act and has now committed either a
19 felony violation of the Firearm Owners Identification Card
20 Act or an act of armed violence while armed with a firearm;

21 (20) the defendant (i) committed the offense of
22 reckless homicide under Section 9-3 of the Criminal Code of
23 1961 or the offense of driving under the influence of
24 alcohol, other drug or drugs, intoxicating compound or
25 compounds or any combination thereof under Section 11-501
26 of the Illinois Vehicle Code or a similar provision of a

1 local ordinance and (ii) was operating a motor vehicle in
2 excess of 20 miles per hour over the posted speed limit as
3 provided in Article VI of Chapter 11 of the Illinois
4 Vehicle Code;

5 (21) the defendant (i) committed the offense of
6 reckless driving or aggravated reckless driving under
7 Section 11-503 of the Illinois Vehicle Code and (ii) was
8 operating a motor vehicle in excess of 20 miles per hour
9 over the posted speed limit as provided in Article VI of
10 Chapter 11 of the Illinois Vehicle Code;

11 (22) the defendant committed the offense against a
12 person that the defendant knew, or reasonably should have
13 known, was a member of the Armed Forces of the United
14 States serving on active duty. For purposes of this clause
15 (22), the term "Armed Forces" means any of the Armed Forces
16 of the United States, including a member of any reserve
17 component thereof or National Guard unit called to active
18 duty;

19 (23) the defendant committed the offense against a
20 person who was elderly, disabled, or infirm by taking
21 advantage of a family or fiduciary relationship with the
22 elderly, disabled, or infirm person;

23 (24) the defendant committed any offense under Section
24 11-20.1 of the Criminal Code of 1961 and possessed 100 or
25 more images;

26 (25) the defendant committed the offense while the

1 defendant or the victim was in a train, bus, or other
2 vehicle used for public transportation; ~~or~~

3 (26) the defendant committed the offense of child
4 pornography or aggravated child pornography, specifically
5 including paragraph (1), (2), (3), (4), (5), or (7) of
6 subsection (a) of Section 11-20.1 of the Criminal Code of
7 1961 where a child engaged in, solicited for, depicted in,
8 or posed in any act of sexual penetration or bound,
9 fettered, or subject to sadistic, masochistic, or
10 sadomasochistic abuse in a sexual context and specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.3 of the Criminal Code of
13 1961 where a child engaged in, solicited for, depicted in,
14 or posed in any act of sexual penetration or bound,
15 fettered, or subject to sadistic, masochistic, or
16 sadomasochistic abuse in a sexual context; or

17 (27) the defendant committed the offense of first
18 degree murder, assault, aggravated assault, battery,
19 aggravated battery, robbery, armed robbery, or aggravated
20 robbery against a person who was a veteran and the
21 defendant knew, or reasonably should have known, that the
22 person was a veteran performing duties as a representative
23 of a veterans' organization. For the purposes of this
24 paragraph (27), "veteran" means an Illinois resident who
25 has served as a member of the United States Armed Forces, a
26 member of the Illinois National Guard, or a member of the

1 United States Reserve Forces; and "veterans' organization"
2 means an organization comprised of members of which
3 substantially all are individuals who are veterans or
4 spouses, widows, or widowers of veterans, the primary
5 purpose of which is to promote the welfare of its members
6 and to provide assistance to the general public in such a
7 way as to confer a public benefit.

8 For the purposes of this Section:

9 "School" is defined as a public or private elementary or
10 secondary school, community college, college, or university.

11 "Day care center" means a public or private State certified
12 and licensed day care center as defined in Section 2.09 of the
13 Child Care Act of 1969 that displays a sign in plain view
14 stating that the property is a day care center.

15 "Public transportation" means the transportation or
16 conveyance of persons by means available to the general public,
17 and includes paratransit services.

18 (b) The following factors, related to all felonies, may be
19 considered by the court as reasons to impose an extended term
20 sentence under Section 5-8-2 upon any offender:

21 (1) When a defendant is convicted of any felony, after
22 having been previously convicted in Illinois or any other
23 jurisdiction of the same or similar class felony or greater
24 class felony, when such conviction has occurred within 10
25 years after the previous conviction, excluding time spent
26 in custody, and such charges are separately brought and

1 tried and arise out of different series of acts; or

2 (2) When a defendant is convicted of any felony and the
3 court finds that the offense was accompanied by
4 exceptionally brutal or heinous behavior indicative of
5 wanton cruelty; or

6 (3) When a defendant is convicted of any felony
7 committed against:

8 (i) a person under 12 years of age at the time of
9 the offense or such person's property;

10 (ii) a person 60 years of age or older at the time
11 of the offense or such person's property; or

12 (iii) a person physically handicapped at the time
13 of the offense or such person's property; or

14 (4) When a defendant is convicted of any felony and the
15 offense involved any of the following types of specific
16 misconduct committed as part of a ceremony, rite,
17 initiation, observance, performance, practice or activity
18 of any actual or ostensible religious, fraternal, or social
19 group:

20 (i) the brutalizing or torturing of humans or
21 animals;

22 (ii) the theft of human corpses;

23 (iii) the kidnapping of humans;

24 (iv) the desecration of any cemetery, religious,
25 fraternal, business, governmental, educational, or
26 other building or property; or

1 (v) ritualized abuse of a child; or

2 (5) When a defendant is convicted of a felony other
3 than conspiracy and the court finds that the felony was
4 committed under an agreement with 2 or more other persons
5 to commit that offense and the defendant, with respect to
6 the other individuals, occupied a position of organizer,
7 supervisor, financier, or any other position of management
8 or leadership, and the court further finds that the felony
9 committed was related to or in furtherance of the criminal
10 activities of an organized gang or was motivated by the
11 defendant's leadership in an organized gang; or

12 (6) When a defendant is convicted of an offense
13 committed while using a firearm with a laser sight attached
14 to it. For purposes of this paragraph, "laser sight" has
15 the meaning ascribed to it in Section 24.6-5 of the
16 Criminal Code of 1961; or

17 (7) When a defendant who was at least 17 years of age
18 at the time of the commission of the offense is convicted
19 of a felony and has been previously adjudicated a
20 delinquent minor under the Juvenile Court Act of 1987 for
21 an act that if committed by an adult would be a Class X or
22 Class 1 felony when the conviction has occurred within 10
23 years after the previous adjudication, excluding time
24 spent in custody; or

25 (8) When a defendant commits any felony and the
26 defendant used, possessed, exercised control over, or

1 otherwise directed an animal to assault a law enforcement
2 officer engaged in the execution of his or her official
3 duties or in furtherance of the criminal activities of an
4 organized gang in which the defendant is engaged.

5 (c) The following factors may be considered by the court as
6 reasons to impose an extended term sentence under Section 5-8-2
7 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

8 (1) When a defendant is convicted of first degree
9 murder, after having been previously convicted in Illinois
10 of any offense listed under paragraph (c)(2) of Section
11 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
12 within 10 years after the previous conviction, excluding
13 time spent in custody, and the charges are separately
14 brought and tried and arise out of different series of
15 acts.

16 (1.5) When a defendant is convicted of first degree
17 murder, after having been previously convicted of domestic
18 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
19 (720 ILCS 5/12-3.3) committed on the same victim or after
20 having been previously convicted of violation of an order
21 of protection (720 ILCS 5/12-30) in which the same victim
22 was the protected person.

23 (2) When a defendant is convicted of voluntary
24 manslaughter, second degree murder, involuntary
25 manslaughter, or reckless homicide in which the defendant
26 has been convicted of causing the death of more than one

1 individual.

2 (3) When a defendant is convicted of aggravated
3 criminal sexual assault or criminal sexual assault, when
4 there is a finding that aggravated criminal sexual assault
5 or criminal sexual assault was also committed on the same
6 victim by one or more other individuals, and the defendant
7 voluntarily participated in the crime with the knowledge of
8 the participation of the others in the crime, and the
9 commission of the crime was part of a single course of
10 conduct during which there was no substantial change in the
11 nature of the criminal objective.

12 (4) If the victim was under 18 years of age at the time
13 of the commission of the offense, when a defendant is
14 convicted of aggravated criminal sexual assault or
15 predatory criminal sexual assault of a child under
16 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
17 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
18 5/11-1.40 or 5/12-14.1).

19 (5) When a defendant is convicted of a felony violation
20 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
21 5/24-1) and there is a finding that the defendant is a
22 member of an organized gang.

23 (6) When a defendant was convicted of unlawful use of
24 weapons under Section 24-1 of the Criminal Code of 1961
25 (720 ILCS 5/24-1) for possessing a weapon that is not
26 readily distinguishable as one of the weapons enumerated in

1 Section 24-1 of the Criminal Code of 1961 (720 ILCS
2 5/24-1).

3 (7) When a defendant is convicted of an offense
4 involving the illegal manufacture of a controlled
5 substance under Section 401 of the Illinois Controlled
6 Substances Act (720 ILCS 570/401), the illegal manufacture
7 of methamphetamine under Section 25 of the Methamphetamine
8 Control and Community Protection Act (720 ILCS 646/25), or
9 the illegal possession of explosives and an emergency
10 response officer in the performance of his or her duties is
11 killed or injured at the scene of the offense while
12 responding to the emergency caused by the commission of the
13 offense. In this paragraph, "emergency" means a situation
14 in which a person's life, health, or safety is in jeopardy;
15 and "emergency response officer" means a peace officer,
16 community policing volunteer, fireman, emergency medical
17 technician-ambulance, emergency medical
18 technician-intermediate, emergency medical
19 technician-paramedic, ambulance driver, other medical
20 assistance or first aid personnel, or hospital emergency
21 room personnel.

22 (d) For the purposes of this Section, "organized gang" has
23 the meaning ascribed to it in Section 10 of the Illinois
24 Streetgang Terrorism Omnibus Prevention Act.

25 (e) The court may impose an extended term sentence under
26 Article 4.5 of Chapter V upon an offender who has been

1 convicted of a felony violation of Section 12-13, 12-14,
2 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
3 victim of the offense is under 18 years of age at the time of
4 the commission of the offense and, during the commission of the
5 offense, the victim was under the influence of alcohol,
6 regardless of whether or not the alcohol was supplied by the
7 offender; and the offender, at the time of the commission of
8 the offense, knew or should have known that the victim had
9 consumed alcohol.

10 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,
11 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;
12 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;
13 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff.
14 7-2-10; 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390,
15 eff. 1-1-11; revised 9-16-10.)

16 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

17 Sec. 5-5-6. In all convictions for offenses in violation of
18 the Criminal Code of 1961 or of Section 11-501 of the Illinois
19 Vehicle Code in which the person received any injury to his or
20 her person or damage to his or her real or personal property as
21 a result of the criminal act of the defendant, the court shall
22 order restitution as provided in this Section. In all other
23 cases, except cases in which restitution is required under this
24 Section, the court must at the sentence hearing determine
25 whether restitution is an appropriate sentence to be imposed on

1 each defendant convicted of an offense. If the court determines
2 that an order directing the offender to make restitution is
3 appropriate, the offender may be sentenced to make restitution.
4 The court may consider restitution an appropriate sentence to
5 be imposed on each defendant convicted of an offense in
6 addition to a sentence of imprisonment. The sentence of the
7 defendant to a term of imprisonment is not a mitigating factor
8 that prevents the court from ordering the defendant to pay
9 restitution. If the offender is sentenced to make restitution
10 the Court shall determine the restitution as hereinafter set
11 forth:

12 (a) At the sentence hearing, the court shall determine
13 whether the property may be restored in kind to the
14 possession of the owner or the person entitled to
15 possession thereof; or whether the defendant is possessed
16 of sufficient skill to repair and restore property damaged;
17 or whether the defendant should be required to make
18 restitution in cash, for out-of-pocket expenses, damages,
19 losses, or injuries found to have been proximately caused
20 by the conduct of the defendant or another for whom the
21 defendant is legally accountable under the provisions of
22 Article V of the Criminal Code of 1961.

23 (b) In fixing the amount of restitution to be paid in
24 cash, the court shall allow credit for property returned in
25 kind, for property damages ordered to be repaired by the
26 defendant, and for property ordered to be restored by the

1 defendant; and after granting the credit, the court shall
2 assess the actual out-of-pocket expenses, losses, damages,
3 and injuries suffered by the victim named in the charge and
4 any other victims who may also have suffered out-of-pocket
5 expenses, losses, damages, and injuries proximately caused
6 by the same criminal conduct of the defendant, and
7 insurance carriers who have indemnified the named victim or
8 other victims for the out-of-pocket expenses, losses,
9 damages, or injuries, provided that in no event shall
10 restitution be ordered to be paid on account of pain and
11 suffering. If a defendant is placed on supervision for, or
12 convicted of, domestic battery, the defendant shall be
13 required to pay restitution to any domestic violence
14 shelter in which the victim and any other family or
15 household members lived because of the domestic battery.
16 The amount of the restitution shall equal the actual
17 expenses of the domestic violence shelter in providing
18 housing and any other services for the victim and any other
19 family or household members living at the shelter. If a
20 defendant fails to pay restitution in the manner or within
21 the time period specified by the court, the court may enter
22 an order directing the sheriff to seize any real or
23 personal property of a defendant to the extent necessary to
24 satisfy the order of restitution and dispose of the
25 property by public sale. All proceeds from such sale in
26 excess of the amount of restitution plus court costs and

1 the costs of the sheriff in conducting the sale shall be
2 paid to the defendant. The defendant convicted of domestic
3 battery, if a person under 18 years of age was present and
4 witnessed the domestic battery of the victim, is liable to
5 pay restitution for the cost of any counseling required for
6 the child at the discretion of the court.

7 (c) In cases where more than one defendant is
8 accountable for the same criminal conduct that results in
9 out-of-pocket expenses, losses, damages, or injuries, each
10 defendant shall be ordered to pay restitution in the amount
11 of the total actual out-of-pocket expenses, losses,
12 damages, or injuries to the victim proximately caused by
13 the conduct of all of the defendants who are legally
14 accountable for the offense.

15 (1) In no event shall the victim be entitled to
16 recover restitution in excess of the actual
17 out-of-pocket expenses, losses, damages, or injuries,
18 proximately caused by the conduct of all of the
19 defendants.

20 (2) As between the defendants, the court may
21 apportion the restitution that is payable in
22 proportion to each co-defendant's culpability in the
23 commission of the offense.

24 (3) In the absence of a specific order apportioning
25 the restitution, each defendant shall bear his pro rata
26 share of the restitution.

1 (4) As between the defendants, each defendant
2 shall be entitled to a pro rata reduction in the total
3 restitution required to be paid to the victim for
4 amounts of restitution actually paid by co-defendants,
5 and defendants who shall have paid more than their pro
6 rata share shall be entitled to refunds to be computed
7 by the court as additional amounts are paid by
8 co-defendants.

9 (d) In instances where a defendant has more than one
10 criminal charge pending against him in a single case, or
11 more than one case, and the defendant stands convicted of
12 one or more charges, a plea agreement negotiated by the
13 State's Attorney and the defendants may require the
14 defendant to make restitution to victims of charges that
15 have been dismissed or which it is contemplated will be
16 dismissed under the terms of the plea agreement, and under
17 the agreement, the court may impose a sentence of
18 restitution on the charge or charges of which the defendant
19 has been convicted that would require the defendant to make
20 restitution to victims of other offenses as provided in the
21 plea agreement.

22 (e) The court may require the defendant to apply the
23 balance of the cash bond, after payment of court costs, and
24 any fine that may be imposed to the payment of restitution.

25 (f) Taking into consideration the ability of the
26 defendant to pay, including any real or personal property

1 or any other assets of the defendant, the court shall
2 determine whether restitution shall be paid in a single
3 payment or in installments, and shall fix a period of time
4 not in excess of 5 years or the period of time specified in
5 subsection (f-1), not including periods of incarceration,
6 within which payment of restitution is to be paid in full.
7 Complete restitution shall be paid in as short a time
8 period as possible. However, if the court deems it
9 necessary and in the best interest of the victim, the court
10 may extend beyond 5 years the period of time within which
11 the payment of restitution is to be paid. If the defendant
12 is ordered to pay restitution and the court orders that
13 restitution is to be paid over a period greater than 6
14 months, the court shall order that the defendant make
15 monthly payments; the court may waive this requirement of
16 monthly payments only if there is a specific finding of
17 good cause for waiver.

18 (f-1)(1) In addition to any other penalty prescribed by
19 law and any restitution ordered under this Section that did
20 not include long-term physical health care costs, the court
21 may, upon conviction of any misdemeanor or felony, order a
22 defendant to pay restitution to a victim in accordance with
23 the provisions of this subsection (f-1) if the victim has
24 suffered physical injury as a result of the offense that is
25 reasonably probable to require or has required long-term
26 physical health care for more than 3 months. As used in

1 this subsection (f-1) "long-term physical health care"
2 includes mental health care.

3 (2) The victim's estimate of long-term physical health
4 care costs may be made as part of a victim impact statement
5 under Section 6 of the Rights of Crime Victims and
6 Witnesses Act or made separately. The court shall enter the
7 long-term physical health care restitution order at the
8 time of sentencing. An order of restitution made under this
9 subsection (f-1) shall fix a monthly amount to be paid by
10 the defendant for as long as long-term physical health care
11 of the victim is required as a result of the offense. The
12 order may exceed the length of any sentence imposed upon
13 the defendant for the criminal activity. The court shall
14 include as a special finding in the judgment of conviction
15 its determination of the monthly cost of long-term physical
16 health care.

17 (3) After a sentencing order has been entered, the
18 court may from time to time, on the petition of either the
19 defendant or the victim, or upon its own motion, enter an
20 order for restitution for long-term physical care or modify
21 the existing order for restitution for long-term physical
22 care as to the amount of monthly payments. Any modification
23 of the order shall be based only upon a substantial change
24 of circumstances relating to the cost of long-term physical
25 health care or the financial condition of either the
26 defendant or the victim. The petition shall be filed as

1 part of the original criminal docket.

2 (g) In addition to the sentences provided for in
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,
5 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of
6 Section 11-14.4, of the Criminal Code of 1961, the court
7 may order any person who is convicted of violating any of
8 those Sections or who was charged with any of those
9 offenses and which charge was reduced to another charge as
10 a result of a plea agreement under subsection (d) of this
11 Section to meet all or any portion of the financial
12 obligations of treatment, including but not limited to
13 medical, psychiatric, or rehabilitative treatment or
14 psychological counseling, prescribed for the victim or
15 victims of the offense.

16 The payments shall be made by the defendant to the
17 clerk of the circuit court and transmitted by the clerk to
18 the appropriate person or agency as directed by the court.
19 Except as otherwise provided in subsection (f-1), the order
20 may require such payments to be made for a period not to
21 exceed 5 years after sentencing, not including periods of
22 incarceration.

23 (h) The judge may enter an order of withholding to
24 collect the amount of restitution owed in accordance with
25 Part 8 of Article XII of the Code of Civil Procedure.

26 (i) A sentence of restitution may be modified or

1 revoked by the court if the offender commits another
2 offense, or the offender fails to make restitution as
3 ordered by the court, but no sentence to make restitution
4 shall be revoked unless the court shall find that the
5 offender has had the financial ability to make restitution,
6 and he has wilfully refused to do so. When the offender's
7 ability to pay restitution was established at the time an
8 order of restitution was entered or modified, or when the
9 offender's ability to pay was based on the offender's
10 willingness to make restitution as part of a plea agreement
11 made at the time the order of restitution was entered or
12 modified, there is a rebuttable presumption that the facts
13 and circumstances considered by the court at the hearing at
14 which the order of restitution was entered or modified
15 regarding the offender's ability or willingness to pay
16 restitution have not materially changed. If the court shall
17 find that the defendant has failed to make restitution and
18 that the failure is not wilful, the court may impose an
19 additional period of time within which to make restitution.
20 The length of the additional period shall not be more than
21 2 years. The court shall retain all of the incidents of the
22 original sentence, including the authority to modify or
23 enlarge the conditions, and to revoke or further modify the
24 sentence if the conditions of payment are violated during
25 the additional period.

26 (j) The procedure upon the filing of a Petition to

1 Revoke a sentence to make restitution shall be the same as
2 the procedures set forth in Section 5-6-4 of this Code
3 governing violation, modification, or revocation of
4 Probation, of Conditional Discharge, or of Supervision.

5 (k) Nothing contained in this Section shall preclude
6 the right of any party to proceed in a civil action to
7 recover for any damages incurred due to the criminal
8 misconduct of the defendant.

9 (l) Restitution ordered under this Section shall not be
10 subject to disbursement by the circuit clerk under Section
11 27.5 of the Clerks of Courts Act.

12 (m) A restitution order under this Section is a
13 judgment lien in favor of the victim that:

14 (1) Attaches to the property of the person subject
15 to the order;

16 (2) May be perfected in the same manner as provided
17 in Part 3 of Article 9 of the Uniform Commercial Code;

18 (3) May be enforced to satisfy any payment that is
19 delinquent under the restitution order by the person in
20 whose favor the order is issued or the person's
21 assignee; and

22 (4) Expires in the same manner as a judgment lien
23 created in a civil proceeding.

24 When a restitution order is issued under this Section,
25 the issuing court shall send a certified copy of the order
26 to the clerk of the circuit court in the county where the

1 charge was filed. Upon receiving the order, the clerk shall
2 enter and index the order in the circuit court judgment
3 docket.

4 (n) An order of restitution under this Section does not
5 bar a civil action for:

6 (1) Damages that the court did not require the
7 person to pay to the victim under the restitution order
8 but arise from an injury or property damages that is
9 the basis of restitution ordered by the court; and

10 (2) Other damages suffered by the victim.

11 The restitution order is not discharged by the completion
12 of the sentence imposed for the offense.

13 A restitution order under this Section is not discharged by
14 the liquidation of a person's estate by a receiver. A
15 restitution order under this Section may be enforced in the
16 same manner as judgment liens are enforced under Article XII of
17 the Code of Civil Procedure.

18 The provisions of Section 2-1303 of the Code of Civil
19 Procedure, providing for interest on judgments, apply to
20 judgments for restitution entered under this Section.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-290, eff. 8-11-09.)

22 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

23 Sec. 5-6-1. Sentences of Probation and of Conditional
24 Discharge and Disposition of Supervision. The General Assembly
25 finds that in order to protect the public, the criminal justice

1 system must compel compliance with the conditions of probation
2 by responding to violations with swift, certain and fair
3 punishments and intermediate sanctions. The Chief Judge of each
4 circuit shall adopt a system of structured, intermediate
5 sanctions for violations of the terms and conditions of a
6 sentence of probation, conditional discharge or disposition of
7 supervision.

8 (a) Except where specifically prohibited by other
9 provisions of this Code, the court shall impose a sentence of
10 probation or conditional discharge upon an offender unless,
11 having regard to the nature and circumstance of the offense,
12 and to the history, character and condition of the offender,
13 the court is of the opinion that:

14 (1) his imprisonment or periodic imprisonment is
15 necessary for the protection of the public; or

16 (2) probation or conditional discharge would deprecate
17 the seriousness of the offender's conduct and would be
18 inconsistent with the ends of justice; or

19 (3) a combination of imprisonment with concurrent or
20 consecutive probation when an offender has been admitted
21 into a drug court program under Section 20 of the Drug
22 Court Treatment Act is necessary for the protection of the
23 public and for the rehabilitation of the offender.

24 The court shall impose as a condition of a sentence of
25 probation, conditional discharge, or supervision, that the
26 probation agency may invoke any sanction from the list of

1 intermediate sanctions adopted by the chief judge of the
2 circuit court for violations of the terms and conditions of the
3 sentence of probation, conditional discharge, or supervision,
4 subject to the provisions of Section 5-6-4 of this Act.

5 (b) The court may impose a sentence of conditional
6 discharge for an offense if the court is of the opinion that
7 neither a sentence of imprisonment nor of periodic imprisonment
8 nor of probation supervision is appropriate.

9 (b-1) Subsections (a) and (b) of this Section do not apply
10 to a defendant charged with a misdemeanor or felony under the
11 Illinois Vehicle Code or reckless homicide under Section 9-3 of
12 the Criminal Code of 1961 if the defendant within the past 12
13 months has been convicted of or pleaded guilty to a misdemeanor
14 or felony under the Illinois Vehicle Code or reckless homicide
15 under Section 9-3 of the Criminal Code of 1961.

16 (c) The court may, upon a plea of guilty or a stipulation
17 by the defendant of the facts supporting the charge or a
18 finding of guilt, defer further proceedings and the imposition
19 of a sentence, and enter an order for supervision of the
20 defendant, if the defendant is not charged with: (i) a Class A
21 misdemeanor, as defined by the following provisions of the
22 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
23 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of
24 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of
25 subsection (a) of Section 24-1; (ii) a Class A misdemeanor
26 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care

1 for Animals Act; or (iii) a felony. If the defendant is not
2 barred from receiving an order for supervision as provided in
3 this subsection, the court may enter an order for supervision
4 after considering the circumstances of the offense, and the
5 history, character and condition of the offender, if the court
6 is of the opinion that:

7 (1) the offender is not likely to commit further
8 crimes;

9 (2) the defendant and the public would be best served
10 if the defendant were not to receive a criminal record; and

11 (3) in the best interests of justice an order of
12 supervision is more appropriate than a sentence otherwise
13 permitted under this Code.

14 (c-5) Subsections (a), (b), and (c) of this Section do not
15 apply to a defendant charged with a second or subsequent
16 violation of Section 6-303 of the Illinois Vehicle Code
17 committed while his or her driver's license, permit or
18 privileges were revoked because of a violation of Section 9-3
19 of the Criminal Code of 1961, relating to the offense of
20 reckless homicide, or a similar provision of a law of another
21 state.

22 (d) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 11-501 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance when
25 the defendant has previously been:

26 (1) convicted for a violation of Section 11-501 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance or any similar law or ordinance of another state;
3 or

4 (2) assigned supervision for a violation of Section
5 11-501 of the Illinois Vehicle Code or a similar provision
6 of a local ordinance or any similar law or ordinance of
7 another state; or

8 (3) pleaded guilty to or stipulated to the facts
9 supporting a charge or a finding of guilty to a violation
10 of Section 11-503 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance or any similar law or
12 ordinance of another state, and the plea or stipulation was
13 the result of a plea agreement.

14 The court shall consider the statement of the prosecuting
15 authority with regard to the standards set forth in this
16 Section.

17 (e) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Section 16A-3 of the Criminal
19 Code of 1961 if said defendant has within the last 5 years
20 been:

21 (1) convicted for a violation of Section 16A-3 of the
22 Criminal Code of 1961; or

23 (2) assigned supervision for a violation of Section
24 16A-3 of the Criminal Code of 1961.

25 The court shall consider the statement of the prosecuting
26 authority with regard to the standards set forth in this

1 Section.

2 (f) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Sections 15-111, 15-112,
4 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
5 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
6 similar provision of a local ordinance.

7 (g) Except as otherwise provided in paragraph (i) of this
8 Section, the provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Section 3-707, 3-708, 3-710,
10 or 5-401.3 of the Illinois Vehicle Code or a similar provision
11 of a local ordinance if the defendant has within the last 5
12 years been:

13 (1) convicted for a violation of Section 3-707, 3-708,
14 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance; or

16 (2) assigned supervision for a violation of Section
17 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
18 Code or a similar provision of a local ordinance.

19 The court shall consider the statement of the prosecuting
20 authority with regard to the standards set forth in this
21 Section.

22 (h) The provisions of paragraph (c) shall not apply to a
23 defendant under the age of 21 years charged with violating a
24 serious traffic offense as defined in Section 1-187.001 of the
25 Illinois Vehicle Code:

26 (1) unless the defendant, upon payment of the fines,

1 penalties, and costs provided by law, agrees to attend and
2 successfully complete a traffic safety program approved by
3 the court under standards set by the Conference of Chief
4 Circuit Judges. The accused shall be responsible for
5 payment of any traffic safety program fees. If the accused
6 fails to file a certificate of successful completion on or
7 before the termination date of the supervision order, the
8 supervision shall be summarily revoked and conviction
9 entered. The provisions of Supreme Court Rule 402 relating
10 to pleas of guilty do not apply in cases when a defendant
11 enters a guilty plea under this provision; or

12 (2) if the defendant has previously been sentenced
13 under the provisions of paragraph (c) on or after January
14 1, 1998 for any serious traffic offense as defined in
15 Section 1-187.001 of the Illinois Vehicle Code.

16 (h-1) The provisions of paragraph (c) shall not apply to a
17 defendant under the age of 21 years charged with an offense
18 against traffic regulations governing the movement of vehicles
19 or any violation of Section 6-107 or Section 12-603.1 of the
20 Illinois Vehicle Code, unless the defendant, upon payment of
21 the fines, penalties, and costs provided by law, agrees to
22 attend and successfully complete a traffic safety program
23 approved by the court under standards set by the Conference of
24 Chief Circuit Judges. The accused shall be responsible for
25 payment of any traffic safety program fees. If the accused
26 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the
2 supervision shall be summarily revoked and conviction entered.
3 The provisions of Supreme Court Rule 402 relating to pleas of
4 guilty do not apply in cases when a defendant enters a guilty
5 plea under this provision.

6 (i) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 3-707 of the Illinois
8 Vehicle Code or a similar provision of a local ordinance if the
9 defendant has been assigned supervision for a violation of
10 Section 3-707 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance.

12 (j) The provisions of paragraph (c) shall not apply to a
13 defendant charged with violating Section 6-303 of the Illinois
14 Vehicle Code or a similar provision of a local ordinance when
15 the revocation or suspension was for a violation of Section
16 11-501 or a similar provision of a local ordinance or a
17 violation of Section 11-501.1 or paragraph (b) of Section
18 11-401 of the Illinois Vehicle Code if the defendant has within
19 the last 10 years been:

20 (1) convicted for a violation of Section 6-303 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance; or

23 (2) assigned supervision for a violation of Section
24 6-303 of the Illinois Vehicle Code or a similar provision
25 of a local ordinance.

26 (k) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating any provision of the Illinois
2 Vehicle Code or a similar provision of a local ordinance that
3 governs the movement of vehicles if, within the 12 months
4 preceding the date of the defendant's arrest, the defendant has
5 been assigned court supervision on 2 occasions for a violation
6 that governs the movement of vehicles under the Illinois
7 Vehicle Code or a similar provision of a local ordinance. The
8 provisions of this paragraph (k) do not apply to a defendant
9 charged with violating Section 11-501 of the Illinois Vehicle
10 Code or a similar provision of a local ordinance.

11 (l) A defendant charged with violating any provision of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance who receives a disposition of supervision under
14 subsection (c) shall pay an additional fee of \$29, to be
15 collected as provided in Sections 27.5 and 27.6 of the Clerks
16 of Courts Act. In addition to the \$29 fee, the person shall
17 also pay a fee of \$6, which, if not waived by the court, shall
18 be collected as provided in Sections 27.5 and 27.6 of the
19 Clerks of Courts Act. The \$29 fee shall be disbursed as
20 provided in Section 16-104c of the Illinois Vehicle Code. If
21 the \$6 fee is collected, \$5.50 of the fee shall be deposited
22 into the Circuit Court Clerk Operation and Administrative Fund
23 created by the Clerk of the Circuit Court and 50 cents of the
24 fee shall be deposited into the Prisoner Review Board Vehicle
25 and Equipment Fund in the State treasury.

26 (m) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of
3 Section 11-501 of the Illinois Vehicle Code, or a violation of
4 a similar provision of a local ordinance shall pay an
5 additional fee of \$35, to be disbursed as provided in Section
6 16-104d of that Code.

7 This subsection (m) becomes inoperative 7 years after
8 October 13, 2007 (the effective date of Public Act 95-154).

9 (n) The provisions of paragraph (c) shall not apply to any
10 person under the age of 18 who commits an offense against
11 traffic regulations governing the movement of vehicles or any
12 violation of Section 6-107 or Section 12-603.1 of the Illinois
13 Vehicle Code, except upon personal appearance of the defendant
14 in court and upon the written consent of the defendant's parent
15 or legal guardian, executed before the presiding judge. The
16 presiding judge shall have the authority to waive this
17 requirement upon the showing of good cause by the defendant.

18 (o) The provisions of paragraph (c) shall not apply to a
19 defendant charged with violating Section 6-303 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance when
21 the suspension was for a violation of Section 11-501.1 of the
22 Illinois Vehicle Code and when:

23 (1) at the time of the violation of Section 11-501.1 of
24 the Illinois Vehicle Code, the defendant was a first
25 offender pursuant to Section 11-500 of the Illinois Vehicle
26 Code and the defendant failed to obtain a monitoring device

1 driving permit; or

2 (2) at the time of the violation of Section 11-501.1 of
3 the Illinois Vehicle Code, the defendant was a first
4 offender pursuant to Section 11-500 of the Illinois Vehicle
5 Code, had subsequently obtained a monitoring device
6 driving permit, but was driving a vehicle not equipped with
7 a breath alcohol ignition interlock device as defined in
8 Section 1-129.1 of the Illinois Vehicle Code.

9 (p) The provisions of paragraph (c) shall not apply to a
10 defendant charged with violating subsection (b) of Section
11 11-601.5 of the Illinois Vehicle Code or a similar provision of
12 a local ordinance.

13 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;
14 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;
15 95-428, eff. 8-24-07; 95-876, eff. 8-21-08; 96-253, eff.
16 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625,
17 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1002, eff. 1-1-11;
18 96-1175, eff. 9-20-10; revised 9-16-10.)

19 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

20 Sec. 5-6-3. Conditions of Probation and of Conditional
21 Discharge.

22 (a) The conditions of probation and of conditional
23 discharge shall be that the person:

24 (1) not violate any criminal statute of any
25 jurisdiction;

1 (2) report to or appear in person before such person or
2 agency as directed by the court;

3 (3) refrain from possessing a firearm or other
4 dangerous weapon where the offense is a felony or, if a
5 misdemeanor, the offense involved the intentional or
6 knowing infliction of bodily harm or threat of bodily harm;

7 (4) not leave the State without the consent of the
8 court or, in circumstances in which the reason for the
9 absence is of such an emergency nature that prior consent
10 by the court is not possible, without the prior
11 notification and approval of the person's probation
12 officer. Transfer of a person's probation or conditional
13 discharge supervision to another state is subject to
14 acceptance by the other state pursuant to the Interstate
15 Compact for Adult Offender Supervision;

16 (5) permit the probation officer to visit him at his
17 home or elsewhere to the extent necessary to discharge his
18 duties;

19 (6) perform no less than 30 hours of community service
20 and not more than 120 hours of community service, if
21 community service is available in the jurisdiction and is
22 funded and approved by the county board where the offense
23 was committed, where the offense was related to or in
24 furtherance of the criminal activities of an organized gang
25 and was motivated by the offender's membership in or
26 allegiance to an organized gang. The community service

1 shall include, but not be limited to, the cleanup and
2 repair of any damage caused by a violation of Section
3 21-1.3 of the Criminal Code of 1961 and similar damage to
4 property located within the municipality or county in which
5 the violation occurred. When possible and reasonable, the
6 community service should be performed in the offender's
7 neighborhood. For purposes of this Section, "organized
8 gang" has the meaning ascribed to it in Section 10 of the
9 Illinois Streetgang Terrorism Omnibus Prevention Act;

10 (7) if he or she is at least 17 years of age and has
11 been sentenced to probation or conditional discharge for a
12 misdemeanor or felony in a county of 3,000,000 or more
13 inhabitants and has not been previously convicted of a
14 misdemeanor or felony, may be required by the sentencing
15 court to attend educational courses designed to prepare the
16 defendant for a high school diploma and to work toward a
17 high school diploma or to work toward passing the high
18 school level Test of General Educational Development (GED)
19 or to work toward completing a vocational training program
20 approved by the court. The person on probation or
21 conditional discharge must attend a public institution of
22 education to obtain the educational or vocational training
23 required by this clause (7). The court shall revoke the
24 probation or conditional discharge of a person who wilfully
25 fails to comply with this clause (7). The person on
26 probation or conditional discharge shall be required to pay

1 for the cost of the educational courses or GED test, if a
2 fee is charged for those courses or test. The court shall
3 resentence the offender whose probation or conditional
4 discharge has been revoked as provided in Section 5-6-4.
5 This clause (7) does not apply to a person who has a high
6 school diploma or has successfully passed the GED test.
7 This clause (7) does not apply to a person who is
8 determined by the court to be developmentally disabled or
9 otherwise mentally incapable of completing the educational
10 or vocational program;

11 (8) if convicted of possession of a substance
12 prohibited by the Cannabis Control Act, the Illinois
13 Controlled Substances Act, or the Methamphetamine Control
14 and Community Protection Act after a previous conviction or
15 disposition of supervision for possession of a substance
16 prohibited by the Cannabis Control Act or Illinois
17 Controlled Substances Act or after a sentence of probation
18 under Section 10 of the Cannabis Control Act, Section 410
19 of the Illinois Controlled Substances Act, or Section 70 of
20 the Methamphetamine Control and Community Protection Act
21 and upon a finding by the court that the person is
22 addicted, undergo treatment at a substance abuse program
23 approved by the court;

24 (8.5) if convicted of a felony sex offense as defined
25 in the Sex Offender Management Board Act, the person shall
26 undergo and successfully complete sex offender treatment

1 by a treatment provider approved by the Board and conducted
2 in conformance with the standards developed under the Sex
3 Offender Management Board Act;

4 (8.6) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, refrain from residing at
6 the same address or in the same condominium unit or
7 apartment unit or in the same condominium complex or
8 apartment complex with another person he or she knows or
9 reasonably should know is a convicted sex offender or has
10 been placed on supervision for a sex offense; the
11 provisions of this paragraph do not apply to a person
12 convicted of a sex offense who is placed in a Department of
13 Corrections licensed transitional housing facility for sex
14 offenders;

15 (8.7) if convicted for an offense committed on or after
16 June 1, 2008 (the effective date of Public Act 95-464) that
17 would qualify the accused as a child sex offender as
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
19 1961, refrain from communicating with or contacting, by
20 means of the Internet, a person who is not related to the
21 accused and whom the accused reasonably believes to be
22 under 18 years of age; for purposes of this paragraph
23 (8.7), "Internet" has the meaning ascribed to it in Section
24 16J-5 of the Criminal Code of 1961; and a person is not
25 related to the accused if the person is not: (i) the
26 spouse, brother, or sister of the accused; (ii) a

1 descendant of the accused; (iii) a first or second cousin
2 of the accused; or (iv) a step-child or adopted child of
3 the accused;

4 (8.8) if convicted for an offense under Section 11-6,
5 11-9.1, 11-14.4 that involves soliciting for a juvenile
6 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
7 of the Criminal Code of 1961, or any attempt to commit any
8 of these offenses, committed on or after June 1, 2009 (the
9 effective date of Public Act 95-983):

10 (i) not access or use a computer or any other
11 device with Internet capability without the prior
12 written approval of the offender's probation officer,
13 except in connection with the offender's employment or
14 search for employment with the prior approval of the
15 offender's probation officer;

16 (ii) submit to periodic unannounced examinations
17 of the offender's computer or any other device with
18 Internet capability by the offender's probation
19 officer, a law enforcement officer, or assigned
20 computer or information technology specialist,
21 including the retrieval and copying of all data from
22 the computer or device and any internal or external
23 peripherals and removal of such information,
24 equipment, or device to conduct a more thorough
25 inspection;

26 (iii) submit to the installation on the offender's

1 computer or device with Internet capability, at the
2 offender's expense, of one or more hardware or software
3 systems to monitor the Internet use; and

4 (iv) submit to any other appropriate restrictions
5 concerning the offender's use of or access to a
6 computer or any other device with Internet capability
7 imposed by the offender's probation officer;

8 (8.9) if convicted of a sex offense as defined in the
9 Sex Offender Registration Act committed on or after January
10 1, 2010 (the effective date of Public Act 96-262), refrain
11 from accessing or using a social networking website as
12 defined in Section 16D-2 of the Criminal Code of 1961;

13 (9) if convicted of a felony, physically surrender at a
14 time and place designated by the court, his or her Firearm
15 Owner's Identification Card and any and all firearms in his
16 or her possession;

17 (10) if convicted of a sex offense as defined in
18 subsection (a-5) of Section 3-1-2 of this Code, unless the
19 offender is a parent or guardian of the person under 18
20 years of age present in the home and no non-familial minors
21 are present, not participate in a holiday event involving
22 children under 18 years of age, such as distributing candy
23 or other items to children on Halloween, wearing a Santa
24 Claus costume on or preceding Christmas, being employed as
25 a department store Santa Claus, or wearing an Easter Bunny
26 costume on or preceding Easter; and

1 (11) if convicted of a sex offense as defined in
2 Section 2 of the Sex Offender Registration Act committed on
3 or after January 1, 2010 (the effective date of Public Act
4 96-362) that requires the person to register as a sex
5 offender under that Act, may not knowingly use any computer
6 scrub software on any computer that the sex offender uses.

7 (b) The Court may in addition to other reasonable
8 conditions relating to the nature of the offense or the
9 rehabilitation of the defendant as determined for each
10 defendant in the proper discretion of the Court require that
11 the person:

12 (1) serve a term of periodic imprisonment under Article
13 7 for a period not to exceed that specified in paragraph
14 (d) of Section 5-7-1;

15 (2) pay a fine and costs;

16 (3) work or pursue a course of study or vocational
17 training;

18 (4) undergo medical, psychological or psychiatric
19 treatment; or treatment for drug addiction or alcoholism;

20 (5) attend or reside in a facility established for the
21 instruction or residence of defendants on probation;

22 (6) support his dependents;

23 (7) and in addition, if a minor:

24 (i) reside with his parents or in a foster home;

25 (ii) attend school;

26 (iii) attend a non-residential program for youth;

1 (iv) contribute to his own support at home or in a
2 foster home;

3 (v) with the consent of the superintendent of the
4 facility, attend an educational program at a facility
5 other than the school in which the offense was
6 committed if he or she is convicted of a crime of
7 violence as defined in Section 2 of the Crime Victims
8 Compensation Act committed in a school, on the real
9 property comprising a school, or within 1,000 feet of
10 the real property comprising a school;

11 (8) make restitution as provided in Section 5-5-6 of
12 this Code;

13 (9) perform some reasonable public or community
14 service;

15 (10) serve a term of home confinement. In addition to
16 any other applicable condition of probation or conditional
17 discharge, the conditions of home confinement shall be that
18 the offender:

19 (i) remain within the interior premises of the
20 place designated for his confinement during the hours
21 designated by the court;

22 (ii) admit any person or agent designated by the
23 court into the offender's place of confinement at any
24 time for purposes of verifying the offender's
25 compliance with the conditions of his confinement; and

26 (iii) if further deemed necessary by the court or

1 the Probation or Court Services Department, be placed
2 on an approved electronic monitoring device, subject
3 to Article 8A of Chapter V;

4 (iv) for persons convicted of any alcohol,
5 cannabis or controlled substance violation who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the offender to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court. The clerk of the circuit court shall pay
17 all monies collected from this fee to the county
18 treasurer for deposit in the substance abuse services
19 fund under Section 5-1086.1 of the Counties Code; and

20 (v) for persons convicted of offenses other than
21 those referenced in clause (iv) above and who are
22 placed on an approved monitoring device as a condition
23 of probation or conditional discharge, the court shall
24 impose a reasonable fee for each day of the use of the
25 device, as established by the county board in
26 subsection (g) of this Section, unless after

1 determining the inability of the defendant to pay the
2 fee, the court assesses a lesser fee or no fee as the
3 case may be. This fee shall be imposed in addition to
4 the fees imposed under subsections (g) and (i) of this
5 Section. The fee shall be collected by the clerk of the
6 circuit court. The clerk of the circuit court shall pay
7 all monies collected from this fee to the county
8 treasurer who shall use the monies collected to defray
9 the costs of corrections. The county treasurer shall
10 deposit the fee collected in the county working cash
11 fund under Section 6-27001 or Section 6-29002 of the
12 Counties Code, as the case may be.

13 (11) comply with the terms and conditions of an order
14 of protection issued by the court pursuant to the Illinois
15 Domestic Violence Act of 1986, as now or hereafter amended,
16 or an order of protection issued by the court of another
17 state, tribe, or United States territory. A copy of the
18 order of protection shall be transmitted to the probation
19 officer or agency having responsibility for the case;

20 (12) reimburse any "local anti-crime program" as
21 defined in Section 7 of the Anti-Crime Advisory Council Act
22 for any reasonable expenses incurred by the program on the
23 offender's case, not to exceed the maximum amount of the
24 fine authorized for the offense for which the defendant was
25 sentenced;

26 (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the
2 offense for which the defendant was sentenced, (i) to a
3 "local anti-crime program", as defined in Section 7 of the
4 Anti-Crime Advisory Council Act, or (ii) for offenses under
5 the jurisdiction of the Department of Natural Resources, to
6 the fund established by the Department of Natural Resources
7 for the purchase of evidence for investigation purposes and
8 to conduct investigations as outlined in Section 805-105 of
9 the Department of Natural Resources (Conservation) Law;

10 (14) refrain from entering into a designated
11 geographic area except upon such terms as the court finds
12 appropriate. Such terms may include consideration of the
13 purpose of the entry, the time of day, other persons
14 accompanying the defendant, and advance approval by a
15 probation officer, if the defendant has been placed on
16 probation or advance approval by the court, if the
17 defendant was placed on conditional discharge;

18 (15) refrain from having any contact, directly or
19 indirectly, with certain specified persons or particular
20 types of persons, including but not limited to members of
21 street gangs and drug users or dealers;

22 (16) refrain from having in his or her body the
23 presence of any illicit drug prohibited by the Cannabis
24 Control Act, the Illinois Controlled Substances Act, or the
25 Methamphetamine Control and Community Protection Act,
26 unless prescribed by a physician, and submit samples of his

1 or her blood or urine or both for tests to determine the
2 presence of any illicit drug;

3 (17) if convicted for an offense committed on or after
4 June 1, 2008 (the effective date of Public Act 95-464) that
5 would qualify the accused as a child sex offender as
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
7 1961, refrain from communicating with or contacting, by
8 means of the Internet, a person who is related to the
9 accused and whom the accused reasonably believes to be
10 under 18 years of age; for purposes of this paragraph (17),
11 "Internet" has the meaning ascribed to it in Section 16J-5
12 of the Criminal Code of 1961; and a person is related to
13 the accused if the person is: (i) the spouse, brother, or
14 sister of the accused; (ii) a descendant of the accused;
15 (iii) a first or second cousin of the accused; or (iv) a
16 step-child or adopted child of the accused;

17 (18) if convicted for an offense committed on or after
18 June 1, 2009 (the effective date of Public Act 95-983) that
19 would qualify as a sex offense as defined in the Sex
20 Offender Registration Act:

21 (i) not access or use a computer or any other
22 device with Internet capability without the prior
23 written approval of the offender's probation officer,
24 except in connection with the offender's employment or
25 search for employment with the prior approval of the
26 offender's probation officer;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's probation
4 officer, a law enforcement officer, or assigned
5 computer or information technology specialist,
6 including the retrieval and copying of all data from
7 the computer or device and any internal or external
8 peripherals and removal of such information,
9 equipment, or device to conduct a more thorough
10 inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 subject's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the offender's probation officer; and

19 (19) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a misdemeanor that
21 did not involve the intentional or knowing infliction of
22 bodily harm or threat of bodily harm.

23 (c) The court may as a condition of probation or of
24 conditional discharge require that a person under 18 years of
25 age found guilty of any alcohol, cannabis or controlled
26 substance violation, refrain from acquiring a driver's license

1 during the period of probation or conditional discharge. If
2 such person is in possession of a permit or license, the court
3 may require that the minor refrain from driving or operating
4 any motor vehicle during the period of probation or conditional
5 discharge, except as may be necessary in the course of the
6 minor's lawful employment.

7 (d) An offender sentenced to probation or to conditional
8 discharge shall be given a certificate setting forth the
9 conditions thereof.

10 (e) Except where the offender has committed a fourth or
11 subsequent violation of subsection (c) of Section 6-303 of the
12 Illinois Vehicle Code, the court shall not require as a
13 condition of the sentence of probation or conditional discharge
14 that the offender be committed to a period of imprisonment in
15 excess of 6 months. This 6 month limit shall not include
16 periods of confinement given pursuant to a sentence of county
17 impact incarceration under Section 5-8-1.2.

18 Persons committed to imprisonment as a condition of
19 probation or conditional discharge shall not be committed to
20 the Department of Corrections.

21 (f) The court may combine a sentence of periodic
22 imprisonment under Article 7 or a sentence to a county impact
23 incarceration program under Article 8 with a sentence of
24 probation or conditional discharge.

25 (g) An offender sentenced to probation or to conditional
26 discharge and who during the term of either undergoes mandatory

1 drug or alcohol testing, or both, or is assigned to be placed
2 on an approved electronic monitoring device, shall be ordered
3 to pay all costs incidental to such mandatory drug or alcohol
4 testing, or both, and all costs incidental to such approved
5 electronic monitoring in accordance with the defendant's
6 ability to pay those costs. The county board with the
7 concurrence of the Chief Judge of the judicial circuit in which
8 the county is located shall establish reasonable fees for the
9 cost of maintenance, testing, and incidental expenses related
10 to the mandatory drug or alcohol testing, or both, and all
11 costs incidental to approved electronic monitoring, involved
12 in a successful probation program for the county. The
13 concurrence of the Chief Judge shall be in the form of an
14 administrative order. The fees shall be collected by the clerk
15 of the circuit court. The clerk of the circuit court shall pay
16 all moneys collected from these fees to the county treasurer
17 who shall use the moneys collected to defray the costs of drug
18 testing, alcohol testing, and electronic monitoring. The
19 county treasurer shall deposit the fees collected in the county
20 working cash fund under Section 6-27001 or Section 6-29002 of
21 the Counties Code, as the case may be.

22 (h) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers of
25 jurisdiction are also authorized in the same manner. The court
26 to which jurisdiction has been transferred shall have the same

1 powers as the sentencing court.

2 (i) The court shall impose upon an offender sentenced to
3 probation after January 1, 1989 or to conditional discharge
4 after January 1, 1992 or to community service under the
5 supervision of a probation or court services department after
6 January 1, 2004, as a condition of such probation or
7 conditional discharge or supervised community service, a fee of
8 \$50 for each month of probation or conditional discharge
9 supervision or supervised community service ordered by the
10 court, unless after determining the inability of the person
11 sentenced to probation or conditional discharge or supervised
12 community service to pay the fee, the court assesses a lesser
13 fee. The court may not impose the fee on a minor who is made a
14 ward of the State under the Juvenile Court Act of 1987 while
15 the minor is in placement. The fee shall be imposed only upon
16 an offender who is actively supervised by the probation and
17 court services department. The fee shall be collected by the
18 clerk of the circuit court. The clerk of the circuit court
19 shall pay all monies collected from this fee to the county
20 treasurer for deposit in the probation and court services fund
21 under Section 15.1 of the Probation and Probation Officers Act.

22 A circuit court may not impose a probation fee under this
23 subsection (i) in excess of \$25 per month unless the circuit
24 court has adopted, by administrative order issued by the chief
25 judge, a standard probation fee guide determining an offender's
26 ability to pay Of the amount collected as a probation fee, up

1 to \$5 of that fee collected per month may be used to provide
2 services to crime victims and their families.

3 The Court may only waive probation fees based on an
4 offender's ability to pay. The probation department may
5 re-evaluate an offender's ability to pay every 6 months, and,
6 with the approval of the Director of Court Services or the
7 Chief Probation Officer, adjust the monthly fee amount. An
8 offender may elect to pay probation fees due in a lump sum. Any
9 offender that has been assigned to the supervision of a
10 probation department, or has been transferred either under
11 subsection (h) of this Section or under any interstate compact,
12 shall be required to pay probation fees to the department
13 supervising the offender, based on the offender's ability to
14 pay.

15 This amendatory Act of the 93rd General Assembly deletes
16 the \$10 increase in the fee under this subsection that was
17 imposed by Public Act 93-616. This deletion is intended to
18 control over any other Act of the 93rd General Assembly that
19 retains or incorporates that fee increase.

20 (i-5) In addition to the fees imposed under subsection (i)
21 of this Section, in the case of an offender convicted of a
22 felony sex offense (as defined in the Sex Offender Management
23 Board Act) or an offense that the court or probation department
24 has determined to be sexually motivated (as defined in the Sex
25 Offender Management Board Act), the court or the probation
26 department shall assess additional fees to pay for all costs of

1 treatment, assessment, evaluation for risk and treatment, and
2 monitoring the offender, based on that offender's ability to
3 pay those costs either as they occur or under a payment plan.

4 (j) All fines and costs imposed under this Section for any
5 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
6 Code, or a similar provision of a local ordinance, and any
7 violation of the Child Passenger Protection Act, or a similar
8 provision of a local ordinance, shall be collected and
9 disbursed by the circuit clerk as provided under Section 27.5
10 of the Clerks of Courts Act.

11 (k) Any offender who is sentenced to probation or
12 conditional discharge for a felony sex offense as defined in
13 the Sex Offender Management Board Act or any offense that the
14 court or probation department has determined to be sexually
15 motivated as defined in the Sex Offender Management Board Act
16 shall be required to refrain from any contact, directly or
17 indirectly, with any persons specified by the court and shall
18 be available for all evaluations and treatment programs
19 required by the court or the probation department.

20 (l) The court may order an offender who is sentenced to
21 probation or conditional discharge for a violation of an order
22 of protection be placed under electronic surveillance as
23 provided in Section 5-8A-7 of this Code.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;
25 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
26 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;

1 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
2 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)

3 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

4 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

5 (a) When a defendant is placed on supervision, the court
6 shall enter an order for supervision specifying the period of
7 such supervision, and shall defer further proceedings in the
8 case until the conclusion of the period.

9 (b) The period of supervision shall be reasonable under all
10 of the circumstances of the case, but may not be longer than 2
11 years, unless the defendant has failed to pay the assessment
12 required by Section 10.3 of the Cannabis Control Act, Section
13 411.2 of the Illinois Controlled Substances Act, or Section 80
14 of the Methamphetamine Control and Community Protection Act, in
15 which case the court may extend supervision beyond 2 years.
16 Additionally, the court shall order the defendant to perform no
17 less than 30 hours of community service and not more than 120
18 hours of community service, if community service is available
19 in the jurisdiction and is funded and approved by the county
20 board where the offense was committed, when the offense (1) was
21 related to or in furtherance of the criminal activities of an
22 organized gang or was motivated by the defendant's membership
23 in or allegiance to an organized gang; or (2) is a violation of
24 any Section of Article 24 of the Criminal Code of 1961 where a
25 disposition of supervision is not prohibited by Section 5-6-1

1 of this Code. The community service shall include, but not be
2 limited to, the cleanup and repair of any damage caused by
3 violation of Section 21-1.3 of the Criminal Code of 1961 and
4 similar damages to property located within the municipality or
5 county in which the violation occurred. Where possible and
6 reasonable, the community service should be performed in the
7 offender's neighborhood.

8 For the purposes of this Section, "organized gang" has the
9 meaning ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (c) The court may in addition to other reasonable
12 conditions relating to the nature of the offense or the
13 rehabilitation of the defendant as determined for each
14 defendant in the proper discretion of the court require that
15 the person:

16 (1) make a report to and appear in person before or
17 participate with the court or such courts, person, or
18 social service agency as directed by the court in the order
19 of supervision;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational
22 training;

23 (4) undergo medical, psychological or psychiatric
24 treatment; or treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for the
26 instruction or residence of defendants on probation;

- 1 (6) support his dependents;
- 2 (7) refrain from possessing a firearm or other
3 dangerous weapon;
- 4 (8) and in addition, if a minor:
- 5 (i) reside with his parents or in a foster home;
- 6 (ii) attend school;
- 7 (iii) attend a non-residential program for youth;
- 8 (iv) contribute to his own support at home or in a
9 foster home; or
- 10 (v) with the consent of the superintendent of the
11 facility, attend an educational program at a facility
12 other than the school in which the offense was
13 committed if he or she is placed on supervision for a
14 crime of violence as defined in Section 2 of the Crime
15 Victims Compensation Act committed in a school, on the
16 real property comprising a school, or within 1,000 feet
17 of the real property comprising a school;
- 18 (9) make restitution or reparation in an amount not to
19 exceed actual loss or damage to property and pecuniary loss
20 or make restitution under Section 5-5-6 to a domestic
21 violence shelter. The court shall determine the amount and
22 conditions of payment;
- 23 (10) perform some reasonable public or community
24 service;
- 25 (11) comply with the terms and conditions of an order
26 of protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986 or an order of protection
2 issued by the court of another state, tribe, or United
3 States territory. If the court has ordered the defendant to
4 make a report and appear in person under paragraph (1) of
5 this subsection, a copy of the order of protection shall be
6 transmitted to the person or agency so designated by the
7 court;

8 (12) reimburse any "local anti-crime program" as
9 defined in Section 7 of the Anti-Crime Advisory Council Act
10 for any reasonable expenses incurred by the program on the
11 offender's case, not to exceed the maximum amount of the
12 fine authorized for the offense for which the defendant was
13 sentenced;

14 (13) contribute a reasonable sum of money, not to
15 exceed the maximum amount of the fine authorized for the
16 offense for which the defendant was sentenced, (i) to a
17 "local anti-crime program", as defined in Section 7 of the
18 Anti-Crime Advisory Council Act, or (ii) for offenses under
19 the jurisdiction of the Department of Natural Resources, to
20 the fund established by the Department of Natural Resources
21 for the purchase of evidence for investigation purposes and
22 to conduct investigations as outlined in Section 805-105 of
23 the Department of Natural Resources (Conservation) Law;

24 (14) refrain from entering into a designated
25 geographic area except upon such terms as the court finds
26 appropriate. Such terms may include consideration of the

1 purpose of the entry, the time of day, other persons
2 accompanying the defendant, and advance approval by a
3 probation officer;

4 (15) refrain from having any contact, directly or
5 indirectly, with certain specified persons or particular
6 types of person, including but not limited to members of
7 street gangs and drug users or dealers;

8 (16) refrain from having in his or her body the
9 presence of any illicit drug prohibited by the Cannabis
10 Control Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act,
12 unless prescribed by a physician, and submit samples of his
13 or her blood or urine or both for tests to determine the
14 presence of any illicit drug;

15 (17) refrain from operating any motor vehicle not
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1 of the Illinois Vehicle Code; under this
18 condition the court may allow a defendant who is not
19 self-employed to operate a vehicle owned by the defendant's
20 employer that is not equipped with an ignition interlock
21 device in the course and scope of the defendant's
22 employment; and

23 (18) if placed on supervision for a sex offense as
24 defined in subsection (a-5) of Section 3-1-2 of this Code,
25 unless the offender is a parent or guardian of the person
26 under 18 years of age present in the home and no

1 non-familial minors are present, not participate in a
2 holiday event involving children under 18 years of age,
3 such as distributing candy or other items to children on
4 Halloween, wearing a Santa Claus costume on or preceding
5 Christmas, being employed as a department store Santa
6 Claus, or wearing an Easter Bunny costume on or preceding
7 Easter.

8 (d) The court shall defer entering any judgment on the
9 charges until the conclusion of the supervision.

10 (e) At the conclusion of the period of supervision, if the
11 court determines that the defendant has successfully complied
12 with all of the conditions of supervision, the court shall
13 discharge the defendant and enter a judgment dismissing the
14 charges.

15 (f) Discharge and dismissal upon a successful conclusion of
16 a disposition of supervision shall be deemed without
17 adjudication of guilt and shall not be termed a conviction for
18 purposes of disqualification or disabilities imposed by law
19 upon conviction of a crime. Two years after the discharge and
20 dismissal under this Section, unless the disposition of
21 supervision was for a violation of Sections 3-707, 3-708,
22 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance, or for a violation of
24 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
25 case it shall be 5 years after discharge and dismissal, a
26 person may have his record of arrest sealed or expunged as may

1 be provided by law. However, any defendant placed on
2 supervision before January 1, 1980, may move for sealing or
3 expungement of his arrest record, as provided by law, at any
4 time after discharge and dismissal under this Section. A person
5 placed on supervision for a sexual offense committed against a
6 minor as defined in clause (a)(1)(L) of Section 5.2 of the
7 Criminal Identification Act or for a violation of Section
8 11-501 of the Illinois Vehicle Code or a similar provision of a
9 local ordinance shall not have his or her record of arrest
10 sealed or expunged.

11 (g) A defendant placed on supervision and who during the
12 period of supervision undergoes mandatory drug or alcohol
13 testing, or both, or is assigned to be placed on an approved
14 electronic monitoring device, shall be ordered to pay the costs
15 incidental to such mandatory drug or alcohol testing, or both,
16 and costs incidental to such approved electronic monitoring in
17 accordance with the defendant's ability to pay those costs. The
18 county board with the concurrence of the Chief Judge of the
19 judicial circuit in which the county is located shall establish
20 reasonable fees for the cost of maintenance, testing, and
21 incidental expenses related to the mandatory drug or alcohol
22 testing, or both, and all costs incidental to approved
23 electronic monitoring, of all defendants placed on
24 supervision. The concurrence of the Chief Judge shall be in the
25 form of an administrative order. The fees shall be collected by
26 the clerk of the circuit court. The clerk of the circuit court

1 shall pay all moneys collected from these fees to the county
2 treasurer who shall use the moneys collected to defray the
3 costs of drug testing, alcohol testing, and electronic
4 monitoring. The county treasurer shall deposit the fees
5 collected in the county working cash fund under Section 6-27001
6 or Section 6-29002 of the Counties Code, as the case may be.

7 (h) A disposition of supervision is a final order for the
8 purposes of appeal.

9 (i) The court shall impose upon a defendant placed on
10 supervision after January 1, 1992 or to community service under
11 the supervision of a probation or court services department
12 after January 1, 2004, as a condition of supervision or
13 supervised community service, a fee of \$50 for each month of
14 supervision or supervised community service ordered by the
15 court, unless after determining the inability of the person
16 placed on supervision or supervised community service to pay
17 the fee, the court assesses a lesser fee. The court may not
18 impose the fee on a minor who is made a ward of the State under
19 the Juvenile Court Act of 1987 while the minor is in placement.
20 The fee shall be imposed only upon a defendant who is actively
21 supervised by the probation and court services department. The
22 fee shall be collected by the clerk of the circuit court. The
23 clerk of the circuit court shall pay all monies collected from
24 this fee to the county treasurer for deposit in the probation
25 and court services fund pursuant to Section 15.1 of the
26 Probation and Probation Officers Act.

1 A circuit court may not impose a probation fee in excess of
2 \$25 per month unless the circuit court has adopted, by
3 administrative order issued by the chief judge, a standard
4 probation fee guide determining an offender's ability to pay.
5 Of the amount collected as a probation fee, not to exceed \$5 of
6 that fee collected per month may be used to provide services to
7 crime victims and their families.

8 The Court may only waive probation fees based on an
9 offender's ability to pay. The probation department may
10 re-evaluate an offender's ability to pay every 6 months, and,
11 with the approval of the Director of Court Services or the
12 Chief Probation Officer, adjust the monthly fee amount. An
13 offender may elect to pay probation fees due in a lump sum. Any
14 offender that has been assigned to the supervision of a
15 probation department, or has been transferred either under
16 subsection (h) of this Section or under any interstate compact,
17 shall be required to pay probation fees to the department
18 supervising the offender, based on the offender's ability to
19 pay.

20 (j) All fines and costs imposed under this Section for any
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
22 Code, or a similar provision of a local ordinance, and any
23 violation of the Child Passenger Protection Act, or a similar
24 provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (k) A defendant at least 17 years of age who is placed on
2 supervision for a misdemeanor in a county of 3,000,000 or more
3 inhabitants and who has not been previously convicted of a
4 misdemeanor or felony may as a condition of his or her
5 supervision be required by the court to attend educational
6 courses designed to prepare the defendant for a high school
7 diploma and to work toward a high school diploma or to work
8 toward passing the high school level Test of General
9 Educational Development (GED) or to work toward completing a
10 vocational training program approved by the court. The
11 defendant placed on supervision must attend a public
12 institution of education to obtain the educational or
13 vocational training required by this subsection (k). The
14 defendant placed on supervision shall be required to pay for
15 the cost of the educational courses or GED test, if a fee is
16 charged for those courses or test. The court shall revoke the
17 supervision of a person who wilfully fails to comply with this
18 subsection (k). The court shall resentence the defendant upon
19 revocation of supervision as provided in Section 5-6-4. This
20 subsection (k) does not apply to a defendant who has a high
21 school diploma or has successfully passed the GED test. This
22 subsection (k) does not apply to a defendant who is determined
23 by the court to be developmentally disabled or otherwise
24 mentally incapable of completing the educational or vocational
25 program.

26 (1) The court shall require a defendant placed on

1 supervision for possession of a substance prohibited by the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 or the Methamphetamine Control and Community Protection Act
4 after a previous conviction or disposition of supervision for
5 possession of a substance prohibited by the Cannabis Control
6 Act, the Illinois Controlled Substances Act, or the
7 Methamphetamine Control and Community Protection Act or a
8 sentence of probation under Section 10 of the Cannabis Control
9 Act or Section 410 of the Illinois Controlled Substances Act
10 and after a finding by the court that the person is addicted,
11 to undergo treatment at a substance abuse program approved by
12 the court.

13 (m) The Secretary of State shall require anyone placed on
14 court supervision for a violation of Section 3-707 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance to give proof of his or her financial responsibility
17 as defined in Section 7-315 of the Illinois Vehicle Code. The
18 proof shall be maintained by the individual in a manner
19 satisfactory to the Secretary of State for a minimum period of
20 3 years after the date the proof is first filed. The proof
21 shall be limited to a single action per arrest and may not be
22 affected by any post-sentence disposition. The Secretary of
23 State shall suspend the driver's license of any person
24 determined by the Secretary to be in violation of this
25 subsection.

26 (n) Any offender placed on supervision for any offense that

1 the court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

7 (o) An offender placed on supervision for a sex offense as
8 defined in the Sex Offender Management Board Act shall refrain
9 from residing at the same address or in the same condominium
10 unit or apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has been
13 placed on supervision for a sex offense. The provisions of this
14 subsection (o) do not apply to a person convicted of a sex
15 offense who is placed in a Department of Corrections licensed
16 transitional housing facility for sex offenders.

17 (p) An offender placed on supervision for an offense
18 committed on or after June 1, 2008 (the effective date of
19 Public Act 95-464) that would qualify the accused as a child
20 sex offender as defined in Section 11-9.3 or 11-9.4 of the
21 Criminal Code of 1961 shall refrain from communicating with or
22 contacting, by means of the Internet, a person who is not
23 related to the accused and whom the accused reasonably believes
24 to be under 18 years of age. For purposes of this subsection
25 (p), "Internet" has the meaning ascribed to it in Section 16J-5
26 of the Criminal Code of 1961; and a person is not related to

1 the accused if the person is not: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused; (iii)
3 a first or second cousin of the accused; or (iv) a step-child
4 or adopted child of the accused.

5 (q) An offender placed on supervision for an offense
6 committed on or after June 1, 2008 (the effective date of
7 Public Act 95-464) that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961 shall, if so ordered by the court,
10 refrain from communicating with or contacting, by means of the
11 Internet, a person who is related to the accused and whom the
12 accused reasonably believes to be under 18 years of age. For
13 purposes of this subsection (q), "Internet" has the meaning
14 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
15 and a person is related to the accused if the person is: (i)
16 the spouse, brother, or sister of the accused; (ii) a
17 descendant of the accused; (iii) a first or second cousin of
18 the accused; or (iv) a step-child or adopted child of the
19 accused.

20 (r) An offender placed on supervision for an offense under
21 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
22 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
23 11-21 of the Criminal Code of 1961, or any attempt to commit
24 any of these offenses, committed on or after the effective date
25 of this amendatory Act of the 95th General Assembly shall:

26 (i) not access or use a computer or any other device

1 with Internet capability without the prior written
2 approval of the court, except in connection with the
3 offender's employment or search for employment with the
4 prior approval of the court;

5 (ii) submit to periodic unannounced examinations of
6 the offender's computer or any other device with Internet
7 capability by the offender's probation officer, a law
8 enforcement officer, or assigned computer or information
9 technology specialist, including the retrieval and copying
10 of all data from the computer or device and any internal or
11 external peripherals and removal of such information,
12 equipment, or device to conduct a more thorough inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 offender's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a computer or
19 any other device with Internet capability imposed by the
20 court.

21 (s) An offender placed on supervision for an offense that
22 is a sex offense as defined in Section 2 of the Sex Offender
23 Registration Act that is committed on or after January 1, 2010
24 (the effective date of Public Act 96-362) that requires the
25 person to register as a sex offender under that Act, may not
26 knowingly use any computer scrub software on any computer that

1 the sex offender uses.

2 (t) An offender placed on supervision for a sex offense as
3 defined in the Sex Offender Registration Act committed on or
4 after January 1, 2010 (the effective date of Public Act 96-262)
5 shall refrain from accessing or using a social networking
6 website as defined in Section 16D-2 of the Criminal Code of
7 1961.

8 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
9 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
10 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
11 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.
12 1-1-11.)

13 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

14 Sec. 5-8-1. Natural life imprisonment; enhancements for
15 use of a firearm; mandatory supervised release terms.

16 (a) Except as otherwise provided in the statute defining
17 the offense or in Article 4.5 of Chapter V, a sentence of
18 imprisonment for a felony shall be a determinate sentence set
19 by the court under this Section, according to the following
20 limitations:

21 (1) for first degree murder,

22 (a) (blank),

23 (b) if a trier of fact finds beyond a reasonable
24 doubt that the murder was accompanied by exceptionally
25 brutal or heinous behavior indicative of wanton

1 cruelty or, except as set forth in subsection (a)(1)(c)
2 of this Section, that any of the aggravating factors
3 listed in subsection (b) or (b-5) of Section 9-1 of the
4 Criminal Code of 1961 are present, the court may
5 sentence the defendant to a term of natural life
6 imprisonment, or

7 (c) the court shall sentence the defendant to a
8 term of natural life imprisonment when the death
9 penalty is not imposed if the defendant,

10 (i) has previously been convicted of first
11 degree murder under any state or federal law, or

12 (ii) is a person who, at the time of the
13 commission of the murder, had attained the age of
14 17 or more and is found guilty of murdering an
15 individual under 12 years of age; or, irrespective
16 of the defendant's age at the time of the
17 commission of the offense, is found guilty of
18 murdering more than one victim, or

19 (iii) is found guilty of murdering a peace
20 officer, fireman, or emergency management worker
21 when the peace officer, fireman, or emergency
22 management worker was killed in the course of
23 performing his official duties, or to prevent the
24 peace officer or fireman from performing his
25 official duties, or in retaliation for the peace
26 officer, fireman, or emergency management worker

1 from performing his official duties, and the
2 defendant knew or should have known that the
3 murdered individual was a peace officer, fireman,
4 or emergency management worker, or

5 (iv) is found guilty of murdering an employee
6 of an institution or facility of the Department of
7 Corrections, or any similar local correctional
8 agency, when the employee was killed in the course
9 of performing his official duties, or to prevent
10 the employee from performing his official duties,
11 or in retaliation for the employee performing his
12 official duties, or

13 (v) is found guilty of murdering an emergency
14 medical technician - ambulance, emergency medical
15 technician - intermediate, emergency medical
16 technician - paramedic, ambulance driver or other
17 medical assistance or first aid person while
18 employed by a municipality or other governmental
19 unit when the person was killed in the course of
20 performing official duties or to prevent the
21 person from performing official duties or in
22 retaliation for performing official duties and the
23 defendant knew or should have known that the
24 murdered individual was an emergency medical
25 technician - ambulance, emergency medical
26 technician - intermediate, emergency medical

1 technician - paramedic, ambulance driver, or other
2 medical assistant or first aid personnel, or

3 (vi) is a person who, at the time of the
4 commission of the murder, had not attained the age
5 of 17, and is found guilty of murdering a person
6 under 12 years of age and the murder is committed
7 during the course of aggravated criminal sexual
8 assault, criminal sexual assault, or aggravated
9 kidnaping, or

10 (vii) is found guilty of first degree murder
11 and the murder was committed by reason of any
12 person's activity as a community policing
13 volunteer or to prevent any person from engaging in
14 activity as a community policing volunteer. For
15 the purpose of this Section, "community policing
16 volunteer" has the meaning ascribed to it in
17 Section 2-3.5 of the Criminal Code of 1961.

18 For purposes of clause (v), "emergency medical
19 technician - ambulance", "emergency medical technician
20 - intermediate", "emergency medical technician -
21 paramedic", have the meanings ascribed to them in the
22 Emergency Medical Services (EMS) Systems Act.

23 (d) (i) if the person committed the offense while
24 armed with a firearm, 15 years shall be added to
25 the term of imprisonment imposed by the court;

26 (ii) if, during the commission of the offense,

1 the person personally discharged a firearm, 20
2 years shall be added to the term of imprisonment
3 imposed by the court;

4 (iii) if, during the commission of the
5 offense, the person personally discharged a
6 firearm that proximately caused great bodily harm,
7 permanent disability, permanent disfigurement, or
8 death to another person, 25 years or up to a term
9 of natural life shall be added to the term of
10 imprisonment imposed by the court.

11 (2) (blank);

12 (2.5) for a person convicted under the circumstances
13 described in subdivision (b)(1)(B) of Section 11-1.20 or
14 paragraph (3) of subsection (b) of Section 12-13,
15 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
16 subsection (d) of Section 12-14, subdivision (b)(1.2) of
17 Section 11-1.40 or paragraph (1.2) of subsection (b) of
18 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
19 paragraph (2) of subsection (b) of Section 12-14.1 of the
20 Criminal Code of 1961, the sentence shall be a term of
21 natural life imprisonment.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Subject to earlier termination under Section 3-3-8, the
25 parole or mandatory supervised release term shall be as
26 follows:

1 (1) for first degree murder or a Class X felony except
2 for the offenses of predatory criminal sexual assault of a
3 child, aggravated criminal sexual assault, and criminal
4 sexual assault if committed on or after the effective date
5 of this amendatory Act of the 94th General Assembly and
6 except for the offense of aggravated child pornography
7 under Section 11-20.1B or 11-20.3 of the Criminal Code of
8 1961, if committed on or after January 1, 2009, 3 years;

9 (2) for a Class 1 felony or a Class 2 felony except for
10 the offense of criminal sexual assault if committed on or
11 after the effective date of this amendatory Act of the 94th
12 General Assembly and except for the offenses of manufacture
13 and dissemination of child pornography under clauses
14 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
15 of 1961, if committed on or after January 1, 2009, 2 years;

16 (3) for a Class 3 felony or a Class 4 felony, 1 year;

17 (4) for defendants who commit the offense of predatory
18 criminal sexual assault of a child, aggravated criminal
19 sexual assault, or criminal sexual assault, on or after the
20 effective date of this amendatory Act of the 94th General
21 Assembly, or who commit the offense of aggravated child
22 pornography, manufacture of child pornography, or
23 dissemination of child pornography after January 1, 2009,
24 the term of mandatory supervised release shall range from a
25 minimum of 3 years to a maximum of the natural life of the
26 defendant;

1 (5) if the victim is under 18 years of age, for a
2 second or subsequent offense of aggravated criminal sexual
3 abuse or felony criminal sexual abuse, 4 years, at least
4 the first 2 years of which the defendant shall serve in an
5 electronic home detention program under Article 8A of
6 Chapter V of this Code;

7 (6) for a felony domestic battery, aggravated domestic
8 battery, stalking, aggravated stalking, and a felony
9 violation of an order of protection, 4 years.

10 (e) (Blank).

11 (f) (Blank).

12 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;
13 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.
14 7-22-10; 96-1475, eff. 1-1-11; revised 9-16-10.)

15 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

16 Sec. 5-8-4. Concurrent and consecutive terms of
17 imprisonment.

18 (a) Concurrent terms; multiple or additional sentences.
19 When an Illinois court (i) imposes multiple sentences of
20 imprisonment on a defendant at the same time or (ii) imposes a
21 sentence of imprisonment on a defendant who is already subject
22 to a sentence of imprisonment imposed by an Illinois court, a
23 court of another state, or a federal court, then the sentences
24 shall run concurrently unless otherwise determined by the
25 Illinois court under this Section.

1 (b) Concurrent terms; misdemeanor and felony. A defendant
2 serving a sentence for a misdemeanor who is convicted of a
3 felony and sentenced to imprisonment shall be transferred to
4 the Department of Corrections, and the misdemeanor sentence
5 shall be merged in and run concurrently with the felony
6 sentence.

7 (c) Consecutive terms; permissive. The court may impose
8 consecutive sentences in any of the following circumstances:

9 (1) If, having regard to the nature and circumstances
10 of the offense and the history and character of the
11 defendant, it is the opinion of the court that consecutive
12 sentences are required to protect the public from further
13 criminal conduct by the defendant, the basis for which the
14 court shall set forth in the record.

15 (2) If one of the offenses for which a defendant was
16 convicted was a violation of Section 32-5.2 (aggravated
17 false personation of a peace officer) of the Criminal Code
18 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
19 in attempting or committing a forcible felony.

20 (d) Consecutive terms; mandatory. The court shall impose
21 consecutive sentences in each of the following circumstances:

22 (1) One of the offenses for which the defendant was
23 convicted was first degree murder or a Class X or Class 1
24 felony and the defendant inflicted severe bodily injury.

25 (2) The defendant was convicted of a violation of
26 Section 11-1.20 or 12-13 (criminal sexual assault),

1 11-1.30 or 12-14 (aggravated criminal sexual assault), or
2 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
3 child) of the Criminal Code of 1961 (720 ILCS 5/11-1.20,
4 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

5 (3) The defendant was convicted of armed violence based
6 upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery, aggravated battery of a senior citizen,
9 criminal sexual assault, a violation of subsection (g) of
10 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
11 cannabis trafficking, a violation of subsection (a) of
12 Section 401 of the Illinois Controlled Substances Act (720
13 ILCS 570/401), controlled substance trafficking involving
14 a Class X felony amount of controlled substance under
15 Section 401 of the Illinois Controlled Substances Act (720
16 ILCS 570/401), a violation of the Methamphetamine Control
17 and Community Protection Act (720 ILCS 646/), calculated
18 criminal drug conspiracy, or streetgang criminal drug
19 conspiracy.

20 (4) The defendant was convicted of the offense of
21 leaving the scene of a motor vehicle accident involving
22 death or personal injuries under Section 11-401 of the
23 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
24 aggravated driving under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof under Section 11-501 of the

1 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
2 homicide under Section 9-3 of the Criminal Code of 1961
3 (720 ILCS 5/9-3), or (C) both an offense described in item
4 (A) and an offense described in item (B).

5 (5) The defendant was convicted of a violation of
6 Section 9-3.1 (concealment of homicidal death) or Section
7 12-20.5 (dismembering a human body) of the Criminal Code of
8 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

9 (5.5) The defendant was convicted of a violation of
10 Section 24-3.7 (use of a stolen firearm in the commission
11 of an offense) of the Criminal Code of 1961.

12 (6) If the defendant was in the custody of the
13 Department of Corrections at the time of the commission of
14 the offense, the sentence shall be served consecutive to
15 the sentence under which the defendant is held by the
16 Department of Corrections. If, however, the defendant is
17 sentenced to punishment by death, the sentence shall be
18 executed at such time as the court may fix without regard
19 to the sentence under which the defendant may be held by
20 the Department.

21 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
22 for escape or attempted escape shall be served consecutive
23 to the terms under which the offender is held by the
24 Department of Corrections.

25 (8) If a person charged with a felony commits a
26 separate felony while on pretrial release or in pretrial

1 detention in a county jail facility or county detention
2 facility, then the sentences imposed upon conviction of
3 these felonies shall be served consecutively regardless of
4 the order in which the judgments of conviction are entered.

5 (8.5) If a person commits a battery against a county
6 correctional officer or sheriff's employee while serving a
7 sentence or in pretrial detention in a county jail
8 facility, then the sentence imposed upon conviction of the
9 battery shall be served consecutively with the sentence
10 imposed upon conviction of the earlier misdemeanor or
11 felony, regardless of the order in which the judgments of
12 conviction are entered.

13 (9) If a person admitted to bail following conviction
14 of a felony commits a separate felony while free on bond or
15 if a person detained in a county jail facility or county
16 detention facility following conviction of a felony
17 commits a separate felony while in detention, then any
18 sentence following conviction of the separate felony shall
19 be consecutive to that of the original sentence for which
20 the defendant was on bond or detained.

21 (10) If a person is found to be in possession of an
22 item of contraband, as defined in clause (c)(2) of Section
23 31A-1.1 of the Criminal Code of 1961, while serving a
24 sentence in a county jail or while in pre-trial detention
25 in a county jail, the sentence imposed upon conviction for
26 the offense of possessing contraband in a penal institution

1 shall be served consecutively to the sentence imposed for
2 the offense in which the person is serving sentence in the
3 county jail or serving pretrial detention, regardless of
4 the order in which the judgments of conviction are entered.

5 (11) If a person is sentenced for a violation of bail
6 bond under Section 32-10 of the Criminal Code of 1961, any
7 sentence imposed for that violation shall be served
8 consecutive to the sentence imposed for the charge for
9 which bail had been granted and with respect to which the
10 defendant has been convicted.

11 (e) Consecutive terms; subsequent non-Illinois term. If an
12 Illinois court has imposed a sentence of imprisonment on a
13 defendant and the defendant is subsequently sentenced to a term
14 of imprisonment by a court of another state or a federal court,
15 then the Illinois sentence shall run consecutively to the
16 sentence imposed by the court of the other state or the federal
17 court. That same Illinois court, however, may order that the
18 Illinois sentence run concurrently with the sentence imposed by
19 the court of the other state or the federal court, but only if
20 the defendant applies to that same Illinois court within 30
21 days after the sentence imposed by the court of the other state
22 or the federal court is finalized.

23 (f) Consecutive terms; aggregate maximums and minimums.
24 The aggregate maximum and aggregate minimum of consecutive
25 sentences shall be determined as follows:

26 (1) For sentences imposed under law in effect prior to

1 February 1, 1978, the aggregate maximum of consecutive
2 sentences shall not exceed the maximum term authorized
3 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
4 Chapter V for the 2 most serious felonies involved. The
5 aggregate minimum period of consecutive sentences shall
6 not exceed the highest minimum term authorized under
7 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
8 V for the 2 most serious felonies involved. When sentenced
9 only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (2) For sentences imposed under the law in effect on or
13 after February 1, 1978, the aggregate of consecutive
14 sentences for offenses that were committed as part of a
15 single course of conduct during which there was no
16 substantial change in the nature of the criminal objective
17 shall not exceed the sum of the maximum terms authorized
18 under Article 4.5 of Chapter V for the 2 most serious
19 felonies involved, but no such limitation shall apply for
20 offenses that were not committed as part of a single course
21 of conduct during which there was no substantial change in
22 the nature of the criminal objective. When sentenced only
23 for misdemeanors, a defendant shall not be consecutively
24 sentenced to more than the maximum for one Class A
25 misdemeanor.

26 (g) Consecutive terms; manner served. In determining the

1 manner in which consecutive sentences of imprisonment, one or
2 more of which is for a felony, will be served, the Department
3 of Corrections shall treat the defendant as though he or she
4 had been committed for a single term subject to each of the
5 following:

6 (1) The maximum period of a term of imprisonment shall
7 consist of the aggregate of the maximums of the imposed
8 indeterminate terms, if any, plus the aggregate of the
9 imposed determinate sentences for felonies, plus the
10 aggregate of the imposed determinate sentences for
11 misdemeanors, subject to subsection (f) of this Section.

12 (2) The parole or mandatory supervised release term
13 shall be as provided in paragraph (e) of Section 5-4.5-50
14 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
15 involved.

16 (3) The minimum period of imprisonment shall be the
17 aggregate of the minimum and determinate periods of
18 imprisonment imposed by the court, subject to subsection
19 (f) of this Section.

20 (4) The defendant shall be awarded credit against the
21 aggregate maximum term and the aggregate minimum term of
22 imprisonment for all time served in an institution since
23 the commission of the offense or offenses and as a
24 consequence thereof at the rate specified in Section 3-6-3
25 (730 ILCS 5/3-6-3).

26 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;

1 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.
2 7-2-10; 96-1200, eff. 7-22-10.)

3 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

4 Sec. 5-9-1.7. Sexual assault fines.

5 (a) Definitions. The terms used in this Section shall have
6 the following meanings ascribed to them:

7 (1) "Sexual assault" means the commission or attempted
8 commission of the following: sexual exploitation of a
9 child, criminal sexual assault, predatory criminal sexual
10 assault of a child, aggravated criminal sexual assault,
11 criminal sexual abuse, aggravated criminal sexual abuse,
12 indecent solicitation of a child, public indecency, sexual
13 relations within families, promoting juvenile
14 prostitution, soliciting for a juvenile prostitute,
15 keeping a place of juvenile prostitution, patronizing a
16 juvenile prostitute, juvenile pimping, exploitation of a
17 child, obscenity, child pornography, aggravated child
18 pornography, harmful material, or ritualized abuse of a
19 child, as those offenses are defined in the Criminal Code
20 of 1961.

21 (2) "Family member" shall have the meaning ascribed to
22 it in Section 12-12 of the Criminal Code of 1961.

23 (3) "Sexual assault organization" means any
24 not-for-profit organization providing comprehensive,
25 community-based services to victims of sexual assault.

1 "Community-based services" include, but are not limited
2 to, direct crisis intervention through a 24-hour response,
3 medical and legal advocacy, counseling, information and
4 referral services, training, and community education.

5 (b) Sexual assault fine; collection by clerk.

6 (1) In addition to any other penalty imposed, a fine of
7 \$200 shall be imposed upon any person who pleads guilty or
8 who is convicted of, or who receives a disposition of court
9 supervision for, a sexual assault or attempt of a sexual
10 assault. Upon request of the victim or the victim's
11 representative, the court shall determine whether the fine
12 will impose an undue burden on the victim of the offense.
13 For purposes of this paragraph, the defendant may not be
14 considered the victim's representative. If the court finds
15 that the fine would impose an undue burden on the victim,
16 the court may reduce or waive the fine. The court shall
17 order that the defendant may not use funds belonging solely
18 to the victim of the offense for payment of the fine.

19 (2) Sexual assault fines shall be assessed by the court
20 imposing the sentence and shall be collected by the circuit
21 clerk. The circuit clerk shall retain 10% of the penalty to
22 cover the costs involved in administering and enforcing
23 this Section. The circuit clerk shall remit the remainder
24 of each fine within one month of its receipt to the State
25 Treasurer for deposit as follows:

26 (i) for family member offenders, one-half to the

1 Sexual Assault Services Fund, and one-half to the
2 Domestic Violence Shelter and Service Fund; and

3 (ii) for other than family member offenders, the
4 full amount to the Sexual Assault Services Fund.

5 (c) Sexual Assault Services Fund; administration. There is
6 created a Sexual Assault Services Fund. Moneys deposited into
7 the Fund under this Section shall be appropriated to the
8 Department of Public Health. Upon appropriation of moneys from
9 the Sexual Assault Services Fund, the Department of Public
10 Health shall make grants of these moneys from the Fund to
11 sexual assault organizations with whom the Department has
12 contracts for the purpose of providing community-based
13 services to victims of sexual assault. Grants made under this
14 Section are in addition to, and are not substitutes for, other
15 grants authorized and made by the Department.

16 (Source: P.A. 95-331, eff. 8-21-07.)

17 Section 1070. The County Jail Good Behavior Allowance Act
18 is amended by changing Section 3 as follows:

19 (730 ILCS 130/3) (from Ch. 75, par. 32)

20 Sec. 3. The good behavior of any person who commences a
21 sentence of confinement in a county jail for a fixed term of
22 imprisonment after January 1, 1987 shall entitle such person to
23 a good behavior allowance, except that: (1) a person who
24 inflicted physical harm upon another person in committing the

1 offense for which he is confined shall receive no good behavior
2 allowance; and (2) a person sentenced for an offense for which
3 the law provides a mandatory minimum sentence shall not receive
4 any portion of a good behavior allowance that would reduce the
5 sentence below the mandatory minimum; and (3) a person
6 sentenced to a county impact incarceration program; and (4) a
7 person who is convicted of criminal sexual assault under
8 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of
9 Section 12-13 of the Criminal Code of 1961, criminal sexual
10 abuse, or aggravated criminal sexual abuse shall receive no
11 good behavior allowance. The good behavior allowance provided
12 for in this Section shall not apply to individuals sentenced
13 for a felony to probation or conditional discharge where a
14 condition of such probation or conditional discharge is that
15 the individual serve a sentence of periodic imprisonment or to
16 individuals sentenced under an order of court for civil
17 contempt.

18 Such good behavior allowance shall be cumulative and
19 awarded as provided in this Section.

20 The good behavior allowance rate shall be cumulative and
21 awarded on the following basis:

22 The prisoner shall receive one day of good behavior
23 allowance for each day of service of sentence in the county
24 jail, and one day of good behavior allowance for each day of
25 incarceration in the county jail before sentencing for the
26 offense that he or she is currently serving sentence but was

1 unable to post bail before sentencing, except that a prisoner
2 serving a sentence of periodic imprisonment under Section 5-7-1
3 of the Unified Code of Corrections shall only be eligible to
4 receive good behavior allowance if authorized by the sentencing
5 judge. Each day of good behavior allowance shall reduce by one
6 day the prisoner's period of incarceration set by the court.
7 For the purpose of calculating a prisoner's good behavior
8 allowance, a fractional part of a day shall not be calculated
9 as a day of service of sentence in the county jail unless the
10 fractional part of the day is over 12 hours in which case a
11 whole day shall be credited on the good behavior allowance.

12 If consecutive sentences are served and the time served
13 amounts to a total of one year or more, the good behavior
14 allowance shall be calculated on a continuous basis throughout
15 the entire time served beginning on the first date of sentence
16 or incarceration, as the case may be.

17 (Source: P.A. 91-117, eff. 7-15-99.)

18 Section 1075. The Sex Offender Registration Act is amended
19 by changing Sections 2 and 3 as follows:

20 (730 ILCS 150/2) (from Ch. 38, par. 222)

21 Sec. 2. Definitions.

22 (A) As used in this Article, "sex offender" means any
23 person who is:

24 (1) charged pursuant to Illinois law, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law, with a sex
3 offense set forth in subsection (B) of this Section or the
4 attempt to commit an included sex offense, and:

5 (a) is convicted of such offense or an attempt to
6 commit such offense; or

7 (b) is found not guilty by reason of insanity of
8 such offense or an attempt to commit such offense; or

9 (c) is found not guilty by reason of insanity
10 pursuant to Section 104-25(c) of the Code of Criminal
11 Procedure of 1963 of such offense or an attempt to
12 commit such offense; or

13 (d) is the subject of a finding not resulting in an
14 acquittal at a hearing conducted pursuant to Section
15 104-25(a) of the Code of Criminal Procedure of 1963 for
16 the alleged commission or attempted commission of such
17 offense; or

18 (e) is found not guilty by reason of insanity
19 following a hearing conducted pursuant to a federal,
20 Uniform Code of Military Justice, sister state, or
21 foreign country law substantially similar to Section
22 104-25(c) of the Code of Criminal Procedure of 1963 of
23 such offense or of the attempted commission of such
24 offense; or

25 (f) is the subject of a finding not resulting in an
26 acquittal at a hearing conducted pursuant to a federal,

1 Uniform Code of Military Justice, sister state, or
2 foreign country law substantially similar to Section
3 104-25(a) of the Code of Criminal Procedure of 1963 for
4 the alleged violation or attempted commission of such
5 offense; or

6 (2) certified as a sexually dangerous person pursuant
7 to the Illinois Sexually Dangerous Persons Act, or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law; or

10 (3) subject to the provisions of Section 2 of the
11 Interstate Agreements on Sexually Dangerous Persons Act;
12 or

13 (4) found to be a sexually violent person pursuant to
14 the Sexually Violent Persons Commitment Act or any
15 substantially similar federal, Uniform Code of Military
16 Justice, sister state, or foreign country law; or

17 (5) adjudicated a juvenile delinquent as the result of
18 committing or attempting to commit an act which, if
19 committed by an adult, would constitute any of the offenses
20 specified in item (B), (C), or (C-5) of this Section or a
21 violation of any substantially similar federal, Uniform
22 Code of Military Justice, sister state, or foreign country
23 law, or found guilty under Article V of the Juvenile Court
24 Act of 1987 of committing or attempting to commit an act
25 which, if committed by an adult, would constitute any of
26 the offenses specified in item (B), (C), or (C-5) of this

1 Section or a violation of any substantially similar
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law.

4 Convictions that result from or are connected with the same
5 act, or result from offenses committed at the same time, shall
6 be counted for the purpose of this Article as one conviction.
7 Any conviction set aside pursuant to law is not a conviction
8 for purposes of this Article.

9 For purposes of this Section, "convicted" shall have the
10 same meaning as "adjudicated".

11 (B) As used in this Article, "sex offense" means:

12 (1) A violation of any of the following Sections of the
13 Criminal Code of 1961:

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-6 (indecent solicitation of a child),

18 11-9.1 (sexual exploitation of a child),

19 11-9.2 (custodial sexual misconduct),

20 11-9.5 (sexual misconduct with a person with a
21 disability),

22 11-14.4 (promoting juvenile prostitution),

23 11-15.1 (soliciting for a juvenile prostitute),

24 11-18.1 (patronizing a juvenile prostitute),

25 11-17.1 (keeping a place of juvenile
26 prostitution),

1 11-19.1 (juvenile pimping),
2 11-19.2 (exploitation of a child),
3 11-25 (grooming),
4 11-26 (traveling to meet a minor),
5 11-1.20 or 12-13 (criminal sexual assault),
6 11-1.30 or 12-14 (aggravated criminal sexual
7 assault),
8 11-1.40 or 12-14.1 (predatory criminal sexual
9 assault of a child),
10 11-1.50 or 12-15 (criminal sexual abuse),
11 11-1.60 or 12-16 (aggravated criminal sexual
12 abuse),
13 12-33 (ritualized abuse of a child).

14 An attempt to commit any of these offenses.

15 (1.5) A violation of any of the following Sections of
16 the Criminal Code of 1961, when the victim is a person
17 under 18 years of age, the defendant is not a parent of the
18 victim, the offense was sexually motivated as defined in
19 Section 10 of the Sex Offender Management Board Act, and
20 the offense was committed on or after January 1, 1996:

21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint).

25 (1.6) First degree murder under Section 9-1 of the
26 Criminal Code of 1961, when the victim was a person under

1 18 years of age and the defendant was at least 17 years of
2 age at the time of the commission of the offense, provided
3 the offense was sexually motivated as defined in Section 10
4 of the Sex Offender Management Board Act.

5 (1.7) (Blank).

6 (1.8) A violation or attempted violation of Section
7 11-11 (sexual relations within families) of the Criminal
8 Code of 1961, and the offense was committed on or after
9 June 1, 1997.

10 (1.9) Child abduction under paragraph (10) of
11 subsection (b) of Section 10-5 of the Criminal Code of 1961
12 committed by luring or attempting to lure a child under the
13 age of 16 into a motor vehicle, building, house trailer, or
14 dwelling place without the consent of the parent or lawful
15 custodian of the child for other than a lawful purpose and
16 the offense was committed on or after January 1, 1998,
17 provided the offense was sexually motivated as defined in
18 Section 10 of the Sex Offender Management Board Act.

19 (1.10) A violation or attempted violation of any of the
20 following Sections of the Criminal Code of 1961 when the
21 offense was committed on or after July 1, 1999:

22 10-4 (forcible detention, if the victim is under 18
23 years of age), provided the offense was sexually
24 motivated as defined in Section 10 of the Sex Offender
25 Management Board Act,

26 11-6.5 (indecent solicitation of an adult),

1 11-14.3 that involves soliciting for a prostitute,
2 or 11-15 (soliciting for a prostitute, if the victim is
3 under 18 years of age),

4 subdivision (a) (2) (A) or (a) (2) (B) of Section
5 11-14.3, or Section 11-16 (pandering, if the victim is
6 under 18 years of age),

7 11-18 (patronizing a prostitute, if the victim is
8 under 18 years of age),

9 subdivision (a) (2) (C) of Section 11-14.3, or
10 Section 11-19 (pimping, if the victim is under 18 years
11 of age).

12 (1.11) A violation or attempted violation of any of the
13 following Sections of the Criminal Code of 1961 when the
14 offense was committed on or after August 22, 2002:

15 11-9 or 11-30 (public indecency for a third or
16 subsequent conviction).

17 (1.12) A violation or attempted violation of Section
18 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
19 Criminal Code of 1961 (permitting sexual abuse) when the
20 offense was committed on or after August 22, 2002.

21 (2) A violation of any former law of this State
22 substantially equivalent to any offense listed in
23 subsection (B) of this Section.

24 (C) A conviction for an offense of federal law, Uniform
25 Code of Military Justice, or the law of another state or a
26 foreign country that is substantially equivalent to any offense

1 listed in subsections (B), (C), (E), and (E-5) of this Section
2 shall constitute a conviction for the purpose of this Article.
3 A finding or adjudication as a sexually dangerous person or a
4 sexually violent person under any federal law, Uniform Code of
5 Military Justice, or the law of another state or foreign
6 country that is substantially equivalent to the Sexually
7 Dangerous Persons Act or the Sexually Violent Persons
8 Commitment Act shall constitute an adjudication for the
9 purposes of this Article.

10 (C-5) A person at least 17 years of age at the time of the
11 commission of the offense who is convicted of first degree
12 murder under Section 9-1 of the Criminal Code of 1961, against
13 a person under 18 years of age, shall be required to register
14 for natural life. A conviction for an offense of federal,
15 Uniform Code of Military Justice, sister state, or foreign
16 country law that is substantially equivalent to any offense
17 listed in subsection (C-5) of this Section shall constitute a
18 conviction for the purpose of this Article. This subsection
19 (C-5) applies to a person who committed the offense before June
20 1, 1996 only if the person is incarcerated in an Illinois
21 Department of Corrections facility on August 20, 2004 (the
22 effective date of Public Act 93-977).

23 (D) As used in this Article, "law enforcement agency having
24 jurisdiction" means the Chief of Police in each of the
25 municipalities in which the sex offender expects to reside,
26 work, or attend school (1) upon his or her discharge, parole or

1 release or (2) during the service of his or her sentence of
2 probation or conditional discharge, or the Sheriff of the
3 county, in the event no Police Chief exists or if the offender
4 intends to reside, work, or attend school in an unincorporated
5 area. "Law enforcement agency having jurisdiction" includes
6 the location where out-of-state students attend school and
7 where out-of-state employees are employed or are otherwise
8 required to register.

9 (D-1) As used in this Article, "supervising officer" means
10 the assigned Illinois Department of Corrections parole agent or
11 county probation officer.

12 (E) As used in this Article, "sexual predator" means any
13 person who, after July 1, 1999, is:

14 (1) Convicted for an offense of federal, Uniform Code
15 of Military Justice, sister state, or foreign country law
16 that is substantially equivalent to any offense listed in
17 subsection (E) or (E-5) of this Section shall constitute a
18 conviction for the purpose of this Article. Convicted of a
19 violation or attempted violation of any of the following
20 Sections of the Criminal Code of 1961, if the conviction
21 occurred after July 1, 1999:

22 11-14.4 that involves keeping a place of juvenile
23 prostitution, or 11-17.1 (keeping a place of juvenile
24 prostitution),

25 subdivision (a)(2) or (a)(3) of Section 11-14.4,
26 or Section 11-19.1 (juvenile pimping),

1 subdivision (a) (4) of Section 11-14.4, or Section
2 11-19.2 (exploitation of a child),
3 11-20.1 (child pornography),
4 11-20.1B or 11-20.3 (aggravated child
5 pornography),
6 11-1.20 or 12-13 (criminal sexual assault),
7 11-1.30 or 12-14 (aggravated criminal sexual
8 assault),
9 11-1.40 or 12-14.1 (predatory criminal sexual
10 assault of a child),
11 11-1.60 or 12-16 (aggravated criminal sexual
12 abuse),
13 12-33 (ritualized abuse of a child);
14 (2) (blank);
15 (3) certified as a sexually dangerous person pursuant
16 to the Sexually Dangerous Persons Act or any substantially
17 similar federal, Uniform Code of Military Justice, sister
18 state, or foreign country law;
19 (4) found to be a sexually violent person pursuant to
20 the Sexually Violent Persons Commitment Act or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law;
23 (5) convicted of a second or subsequent offense which
24 requires registration pursuant to this Act. The conviction
25 for the second or subsequent offense must have occurred
26 after July 1, 1999. For purposes of this paragraph (5),

1 "convicted" shall include a conviction under any
2 substantially similar Illinois, federal, Uniform Code of
3 Military Justice, sister state, or foreign country law; or

4 (6) convicted of a second or subsequent offense of
5 luring a minor under Section 10-5.1 of the Criminal Code of
6 1961.

7 (E-5) As used in this Article, "sexual predator" also means
8 a person convicted of a violation or attempted violation of any
9 of the following Sections of the Criminal Code of 1961:

10 (1) Section 9-1 (first degree murder, when the victim
11 was a person under 18 years of age and the defendant was at
12 least 17 years of age at the time of the commission of the
13 offense, provided the offense was sexually motivated as
14 defined in Section 10 of the Sex Offender Management Board
15 Act);

16 (2) Section 11-9.5 (sexual misconduct with a person
17 with a disability);

18 (3) when the victim is a person under 18 years of age,
19 the defendant is not a parent of the victim, the offense
20 was sexually motivated as defined in Section 10 of the Sex
21 Offender Management Board Act, and the offense was
22 committed on or after January 1, 1996: (A) Section 10-1
23 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
24 (C) Section 10-3 (unlawful restraint), and (D) Section
25 10-3.1 (aggravated unlawful restraint); and

26 (4) Section 10-5(b)(10) (child abduction committed by

1 luring or attempting to lure a child under the age of 16
2 into a motor vehicle, building, house trailer, or dwelling
3 place without the consent of the parent or lawful custodian
4 of the child for other than a lawful purpose and the
5 offense was committed on or after January 1, 1998, provided
6 the offense was sexually motivated as defined in Section 10
7 of the Sex Offender Management Board Act).

8 (F) As used in this Article, "out-of-state student" means
9 any sex offender, as defined in this Section, or sexual
10 predator who is enrolled in Illinois, on a full-time or
11 part-time basis, in any public or private educational
12 institution, including, but not limited to, any secondary
13 school, trade or professional institution, or institution of
14 higher learning.

15 (G) As used in this Article, "out-of-state employee" means
16 any sex offender, as defined in this Section, or sexual
17 predator who works in Illinois, regardless of whether the
18 individual receives payment for services performed, for a
19 period of time of 10 or more days or for an aggregate period of
20 time of 30 or more days during any calendar year. Persons who
21 operate motor vehicles in the State accrue one day of
22 employment time for any portion of a day spent in Illinois.

23 (H) As used in this Article, "school" means any public or
24 private educational institution, including, but not limited
25 to, any elementary or secondary school, trade or professional
26 institution, or institution of higher education.

1 (I) As used in this Article, "fixed residence" means any
2 and all places that a sex offender resides for an aggregate
3 period of time of 5 or more days in a calendar year.

4 (J) As used in this Article, "Internet protocol address"
5 means the string of numbers by which a location on the Internet
6 is identified by routers or other computers connected to the
7 Internet.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;
9 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
10 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11.)

11 (730 ILCS 150/3)

12 Sec. 3. Duty to register.

13 (a) A sex offender, as defined in Section 2 of this Act, or
14 sexual predator shall, within the time period prescribed in
15 subsections (b) and (c), register in person and provide
16 accurate information as required by the Department of State
17 Police. Such information shall include a current photograph,
18 current address, current place of employment, the sex
19 offender's or sexual predator's telephone number, including
20 cellular telephone number, the employer's telephone number,
21 school attended, all e-mail addresses, instant messaging
22 identities, chat room identities, and other Internet
23 communications identities that the sex offender uses or plans
24 to use, all Uniform Resource Locators (URLs) registered or used
25 by the sex offender, all blogs and other Internet sites

1 maintained by the sex offender or to which the sex offender has
2 uploaded any content or posted any messages or information,
3 extensions of the time period for registering as provided in
4 this Article and, if an extension was granted, the reason why
5 the extension was granted and the date the sex offender was
6 notified of the extension. The information shall also include a
7 copy of the terms and conditions of parole or release signed by
8 the sex offender and given to the sex offender by his or her
9 supervising officer, the county of conviction, license plate
10 numbers for every vehicle registered in the name of the sex
11 offender, the age of the sex offender at the time of the
12 commission of the offense, the age of the victim at the time of
13 the commission of the offense, and any distinguishing marks
14 located on the body of the sex offender. A sex offender
15 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
16 11-21 of the Criminal Code of 1961 shall provide all Internet
17 protocol (IP) addresses in his or her residence, registered in
18 his or her name, accessible at his or her place of employment,
19 or otherwise under his or her control or custody. If the sex
20 offender is a child sex offender as defined in Section 11-9.3
21 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
22 report to the registering agency whether he or she is living in
23 a household with a child under 18 years of age who is not his or
24 her own child, provided that his or her own child is not the
25 victim of the sex offense. The sex offender or sexual predator
26 shall register:

1 (1) with the chief of police in the municipality in
2 which he or she resides or is temporarily domiciled for a
3 period of time of 3 or more days, unless the municipality
4 is the City of Chicago, in which case he or she shall
5 register at the Chicago Police Department Headquarters; or

6 (2) with the sheriff in the county in which he or she
7 resides or is temporarily domiciled for a period of time of
8 3 or more days in an unincorporated area or, if
9 incorporated, no police chief exists.

10 If the sex offender or sexual predator is employed at or
11 attends an institution of higher education, he or she shall
12 register:

13 (i) with the chief of police in the municipality in
14 which he or she is employed at or attends an institution of
15 higher education, unless the municipality is the City of
16 Chicago, in which case he or she shall register at the
17 Chicago Police Department Headquarters; or

18 (ii) with the sheriff in the county in which he or she
19 is employed or attends an institution of higher education
20 located in an unincorporated area, or if incorporated, no
21 police chief exists.

22 For purposes of this Article, the place of residence or
23 temporary domicile is defined as any and all places where the
24 sex offender resides for an aggregate period of time of 3 or
25 more days during any calendar year. Any person required to
26 register under this Article who lacks a fixed address or

1 temporary domicile must notify, in person, the agency of
2 jurisdiction of his or her last known address within 3 days
3 after ceasing to have a fixed residence.

4 A sex offender or sexual predator who is temporarily absent
5 from his or her current address of registration for 3 or more
6 days shall notify the law enforcement agency having
7 jurisdiction of his or her current registration, including the
8 itinerary for travel, in the manner provided in Section 6 of
9 this Act for notification to the law enforcement agency having
10 jurisdiction of change of address.

11 Any person who lacks a fixed residence must report weekly,
12 in person, with the sheriff's office of the county in which he
13 or she is located in an unincorporated area, or with the chief
14 of police in the municipality in which he or she is located.
15 The agency of jurisdiction will document each weekly
16 registration to include all the locations where the person has
17 stayed during the past 7 days.

18 The sex offender or sexual predator shall provide accurate
19 information as required by the Department of State Police. That
20 information shall include the sex offender's or sexual
21 predator's current place of employment.

22 (a-5) An out-of-state student or out-of-state employee
23 shall, within 3 days after beginning school or employment in
24 this State, register in person and provide accurate information
25 as required by the Department of State Police. Such information
26 will include current place of employment, school attended, and

1 address in state of residence. A sex offender convicted under
2 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
3 Criminal Code of 1961 shall provide all Internet protocol (IP)
4 addresses in his or her residence, registered in his or her
5 name, accessible at his or her place of employment, or
6 otherwise under his or her control or custody. The out-of-state
7 student or out-of-state employee shall register:

8 (1) with the chief of police in the municipality in
9 which he or she attends school or is employed for a period
10 of time of 5 or more days or for an aggregate period of
11 time of more than 30 days during any calendar year, unless
12 the municipality is the City of Chicago, in which case he
13 or she shall register at the Chicago Police Department
14 Headquarters; or

15 (2) with the sheriff in the county in which he or she
16 attends school or is employed for a period of time of 5 or
17 more days or for an aggregate period of time of more than
18 30 days during any calendar year in an unincorporated area
19 or, if incorporated, no police chief exists.

20 The out-of-state student or out-of-state employee shall
21 provide accurate information as required by the Department of
22 State Police. That information shall include the out-of-state
23 student's current place of school attendance or the
24 out-of-state employee's current place of employment.

25 (a-10) Any law enforcement agency registering sex
26 offenders or sexual predators in accordance with subsections

1 (a) or (a-5) of this Section shall forward to the Attorney
2 General a copy of sex offender registration forms from persons
3 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
4 11-21 of the Criminal Code of 1961, including periodic and
5 annual registrations under Section 6 of this Act.

6 (b) Any sex offender, as defined in Section 2 of this Act,
7 or sexual predator, regardless of any initial, prior, or other
8 registration, shall, within 3 days of beginning school, or
9 establishing a residence, place of employment, or temporary
10 domicile in any county, register in person as set forth in
11 subsection (a) or (a-5).

12 (c) The registration for any person required to register
13 under this Article shall be as follows:

14 (1) Any person registered under the Habitual Child Sex
15 Offender Registration Act or the Child Sex Offender
16 Registration Act prior to January 1, 1996, shall be deemed
17 initially registered as of January 1, 1996; however, this
18 shall not be construed to extend the duration of
19 registration set forth in Section 7.

20 (2) Except as provided in subsection (c)(4), any person
21 convicted or adjudicated prior to January 1, 1996, whose
22 liability for registration under Section 7 has not expired,
23 shall register in person prior to January 31, 1996.

24 (2.5) Except as provided in subsection (c)(4), any
25 person who has not been notified of his or her
26 responsibility to register shall be notified by a criminal

1 justice entity of his or her responsibility to register.
2 Upon notification the person must then register within 3
3 days of notification of his or her requirement to register.
4 If notification is not made within the offender's 10 year
5 registration requirement, and the Department of State
6 Police determines no evidence exists or indicates the
7 offender attempted to avoid registration, the offender
8 will no longer be required to register under this Act.

9 (3) Except as provided in subsection (c)(4), any person
10 convicted on or after January 1, 1996, shall register in
11 person within 3 days after the entry of the sentencing
12 order based upon his or her conviction.

13 (4) Any person unable to comply with the registration
14 requirements of this Article because he or she is confined,
15 institutionalized, or imprisoned in Illinois on or after
16 January 1, 1996, shall register in person within 3 days of
17 discharge, parole or release.

18 (5) The person shall provide positive identification
19 and documentation that substantiates proof of residence at
20 the registering address.

21 (6) The person shall pay a \$100 initial registration
22 fee and a \$100 annual renewal fee. The fees shall be used
23 by the registering agency for official purposes. The agency
24 shall establish procedures to document receipt and use of
25 the funds. The law enforcement agency having jurisdiction
26 may waive the registration fee if it determines that the

1 person is indigent and unable to pay the registration fee.
2 Thirty dollars for the initial registration fee and \$30 of
3 the annual renewal fee shall be used by the registering
4 agency for official purposes. Ten dollars of the initial
5 registration fee and \$10 of the annual fee shall be
6 deposited into the Sex Offender Management Board Fund under
7 Section 19 of the Sex Offender Management Board Act. Money
8 deposited into the Sex Offender Management Board Fund shall
9 be administered by the Sex Offender Management Board and
10 shall be used to fund practices endorsed or required by the
11 Sex Offender Management Board Act including but not limited
12 to sex offenders evaluation, treatment, or monitoring
13 programs that are or may be developed, as well as for
14 administrative costs, including staff, incurred by the
15 Board. Thirty dollars of the initial registration fee and
16 \$30 of the annual renewal fee shall be deposited into the
17 Sex Offender Registration Fund and shall be used by the
18 Department of State Police to maintain and update the
19 Illinois State Police Sex Offender Registry. Thirty
20 dollars of the initial registration fee and \$30 of the
21 annual renewal fee shall be deposited into the Attorney
22 General Sex Offender Awareness, Training, and Education
23 Fund. Moneys deposited into the Fund shall be used by the
24 Attorney General to administer the I-SORT program and to
25 alert and educate the public, victims, and witnesses of
26 their rights under various victim notification laws and for

1 training law enforcement agencies, State's Attorneys, and
2 medical providers of their legal duties concerning the
3 prosecution and investigation of sex offenses.

4 (d) Within 3 days after obtaining or changing employment
5 and, if employed on January 1, 2000, within 5 days after that
6 date, a person required to register under this Section must
7 report, in person to the law enforcement agency having
8 jurisdiction, the business name and address where he or she is
9 employed. If the person has multiple businesses or work
10 locations, every business and work location must be reported to
11 the law enforcement agency having jurisdiction.

12 (Source: P.A. 95-229, eff. 8-16-07; 95-579, eff. 6-1-08;
13 95-640, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.
14 8-21-08; 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11; 96-1097,
15 eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff. 1-1-11;
16 revised 9-2-10.)

17 Section 1080. The Secure Residential Youth Care Facility
18 Licensing Act is amended by changing Section 45-30 as follows:

19 (730 ILCS 175/45-30)

20 Sec. 45-30. License or employment eligibility.

21 (a) No applicant may receive a license from the Department
22 and no person may be employed by a licensed facility who
23 refuses to authorize an investigation as required by Section
24 45-25.

1 (b) No applicant may receive a license from the Department
2 and no person may be employed by a secure residential youth
3 care facility licensed by the Department who has been declared
4 a sexually dangerous person under the Sexually Dangerous
5 Persons Act or convicted of committing or attempting to commit
6 any of the following offenses under the Criminal Code of 1961:

7 (1) First degree murder.

8 (2) A sex offense under Article 11, except offenses
9 described in Sections 11-7, 11-8, 11-12, 11-13, ~~and 11-18,~~
10 11-35, 11-40, and 11-45.

11 (3) Kidnapping.

12 (4) Aggravated kidnapping.

13 (5) Child abduction.

14 (6) Aggravated battery of a child.

15 (7) Criminal sexual assault.

16 (8) Aggravated criminal sexual assault.

17 (8.1) Predatory criminal sexual assault of a child.

18 (9) Criminal sexual abuse.

19 (10) Aggravated criminal sexual abuse.

20 (11) A federal offense or an offense in any other state
21 the elements of which are similar to any of the foregoing
22 offenses.

23 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;
24 89-462, eff. 5-29-96.)

25 Section 1085. The Code of Civil Procedure is amended by

1 changing Sections 8-802.1, 13-202.2, and 13-202.3 as follows:

2 (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

3 Sec. 8-802.1. Confidentiality of Statements Made to Rape
4 Crisis Personnel.

5 (a) Purpose. This Section is intended to protect victims of
6 rape from public disclosure of statements they make in
7 confidence to counselors of organizations established to help
8 them. On or after July 1, 1984, "rape" means an act of forced
9 sexual penetration or sexual conduct, as defined in Section
10 11-0.1 ~~12-12~~ of the Criminal Code of 1961, as amended,
11 including acts prohibited under Sections 11-1.20 through
12 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as
13 amended. Because of the fear and stigma that often results from
14 those crimes, many victims hesitate to seek help even where it
15 is available at no cost to them. As a result they not only fail
16 to receive needed medical care and emergency counseling, but
17 may lack the psychological support necessary to report the
18 crime and aid police in preventing future crimes.

19 (b) Definitions. As used in this Act:

20 (1) "Rape crisis organization" means any organization
21 or association the major purpose of which is providing
22 information, counseling, and psychological support to
23 victims of any or all of the crimes of aggravated criminal
24 sexual assault, predatory criminal sexual assault of a
25 child, criminal sexual assault, sexual relations between

1 siblings, criminal sexual abuse and aggravated criminal
2 sexual abuse.

3 (2) "Rape crisis counselor" means a person who is a
4 psychologist, social worker, employee, or volunteer in any
5 organization or association defined as a rape crisis
6 organization under this Section, who has undergone 40 hours
7 of training and is under the control of a direct services
8 supervisor of a rape crisis organization.

9 (3) "Victim" means a person who is the subject of, or
10 who seeks information, counseling, or advocacy services as
11 a result of an aggravated criminal sexual assault,
12 predatory criminal sexual assault of a child, criminal
13 sexual assault, sexual relations within families, criminal
14 sexual abuse, aggravated criminal sexual abuse, sexual
15 exploitation of a child, indecent solicitation of a child,
16 public indecency, exploitation of a child, promoting
17 juvenile prostitution as described in subdivision (a)(4)
18 of Section 11-14.4, or an attempt to commit any of these
19 offenses.

20 (4) "Confidential communication" means any
21 communication between a victim and a rape crisis counselor
22 in the course of providing information, counseling, and
23 advocacy. The term includes all records kept by the
24 counselor or by the organization in the course of providing
25 services to an alleged victim concerning the alleged victim
26 and the services provided.

1 (c) Waiver of privilege.

2 (1) The confidential nature of the communication is not
3 waived by: the presence of a third person who further
4 expresses the interests of the victim at the time of the
5 communication; group counseling; or disclosure to a third
6 person with the consent of the victim when reasonably
7 necessary to accomplish the purpose for which the counselor
8 is consulted.

9 (2) The confidential nature of counseling records is
10 not waived when: the victim inspects the records; or in the
11 case of a minor child less than 12 years of age, a parent
12 or guardian whose interests are not adverse to the minor
13 inspects the records; or in the case of a minor victim 12
14 years or older, a parent or guardian whose interests are
15 not adverse to the minor inspects the records with the
16 victim's consent, or in the case of an adult who has a
17 guardian of his or her person, the guardian inspects the
18 records with the victim's consent.

19 (3) When a victim is deceased, the executor or
20 administrator of the victim's estate may waive the
21 privilege established by this Section, unless the executor
22 or administrator has an interest adverse to the victim.

23 (4) A minor victim 12 years of age or older may
24 knowingly waive the privilege established in this Section.
25 When a minor is, in the opinion of the Court, incapable of
26 knowingly waiving the privilege, the parent or guardian of

1 the minor may waive the privilege on behalf of the minor,
2 unless the parent or guardian has been charged with a
3 violent crime against the victim or otherwise has any
4 interest adverse to that of the minor with respect to the
5 waiver of the privilege.

6 (5) An adult victim who has a guardian of his or her
7 person may knowingly waive the privilege established in
8 this Section. When the victim is, in the opinion of the
9 court, incapable of knowingly waiving the privilege, the
10 guardian of the adult victim may waive the privilege on
11 behalf of the victim, unless the guardian has been charged
12 with a violent crime against the victim or otherwise has
13 any interest adverse to the victim with respect to the
14 privilege.

15 (d) Confidentiality. Except as provided in this Act, no
16 rape crisis counselor shall disclose any confidential
17 communication or be examined as a witness in any civil or
18 criminal proceeding as to any confidential communication
19 without the written consent of the victim or a representative
20 of the victim as provided in subparagraph (c).

21 (e) A rape crisis counselor may disclose a confidential
22 communication without the consent of the victim if failure to
23 disclose is likely to result in a clear, imminent risk of
24 serious physical injury or death of the victim or another
25 person. Any rape crisis counselor or rape crisis organization
26 participating in good faith in the disclosing of records and

1 communications under this Act shall have immunity from any
2 liability, civil, criminal, or otherwise that might result from
3 the action. In any proceeding, civil or criminal, arising out
4 of a disclosure under this Section, the good faith of any rape
5 crisis counselor or rape crisis organization who disclosed the
6 confidential communication shall be presumed.

7 (f) Any rape crisis counselor who knowingly discloses any
8 confidential communication in violation of this Act commits a
9 Class C misdemeanor.

10 (Source: P.A. 96-1010, eff. 1-1-11.)

11 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

12 Sec. 13-202.2. Childhood sexual abuse.

13 (a) In this Section:

14 "Childhood sexual abuse" means an act of sexual abuse that
15 occurs when the person abused is under 18 years of age.

16 "Sexual abuse" includes but is not limited to sexual
17 conduct and sexual penetration as defined in Section 11-0.1
18 ~~12-12~~ of the Criminal Code of 1961.

19 (b) Notwithstanding any other provision of law, an action
20 for damages for personal injury based on childhood sexual abuse
21 must be commenced within 20 years of the date the limitation
22 period begins to run under subsection (d) or within 20 years of
23 the date the person abused discovers or through the use of
24 reasonable diligence should discover both (i) that the act of
25 childhood sexual abuse occurred and (ii) that the injury was

1 caused by the childhood sexual abuse. The fact that the person
2 abused discovers or through the use of reasonable diligence
3 should discover that the act of childhood sexual abuse occurred
4 is not, by itself, sufficient to start the discovery period
5 under this subsection (b). Knowledge of the abuse does not
6 constitute discovery of the injury or the causal relationship
7 between any later-discovered injury and the abuse.

8 (c) If the injury is caused by 2 or more acts of childhood
9 sexual abuse that are part of a continuing series of acts of
10 childhood sexual abuse by the same abuser, then the discovery
11 period under subsection (b) shall be computed from the date the
12 person abused discovers or through the use of reasonable
13 diligence should discover both (i) that the last act of
14 childhood sexual abuse in the continuing series occurred and
15 (ii) that the injury was caused by any act of childhood sexual
16 abuse in the continuing series. The fact that the person abused
17 discovers or through the use of reasonable diligence should
18 discover that the last act of childhood sexual abuse in the
19 continuing series occurred is not, by itself, sufficient to
20 start the discovery period under subsection (b). Knowledge of
21 the abuse does not constitute discovery of the injury or the
22 causal relationship between any later-discovered injury and
23 the abuse.

24 (d) The limitation periods under subsection (b) do not
25 begin to run before the person abused attains the age of 18
26 years; and, if at the time the person abused attains the age of

1 18 years he or she is under other legal disability, the
2 limitation periods under subsection (b) do not begin to run
3 until the removal of the disability.

4 (d-1) The limitation periods in subsection (b) do not run
5 during a time period when the person abused is subject to
6 threats, intimidation, manipulation, or fraud perpetrated by
7 the abuser or by any person acting in the interest of the
8 abuser.

9 (e) This Section applies to actions pending on the
10 effective date of this amendatory Act of 1990 as well as to
11 actions commenced on or after that date. The changes made by
12 this amendatory Act of 1993 shall apply only to actions
13 commenced on or after the effective date of this amendatory Act
14 of 1993. The changes made by this amendatory Act of the 93rd
15 General Assembly apply to actions pending on the effective date
16 of this amendatory Act of the 93rd General Assembly as well as
17 actions commenced on or after that date. The changes made by
18 this amendatory Act of the 96th General Assembly apply to
19 actions commenced on or after the effective date of this
20 amendatory Act of the 96th General Assembly if the action would
21 not have been time barred under any statute of limitations or
22 statute of repose prior to the effective date of this
23 amendatory Act of the 96th General Assembly.

24 (Source: P.A. 96-1093, eff. 1-1-11.)

25 (735 ILCS 5/13-202.3)

1 Sec. 13-202.3. For an action arising out of an injury
2 caused by "sexual conduct" or "sexual penetration" as defined
3 in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961, the
4 limitation period in Section 13-202 does not run during a time
5 period when the person injured is subject to threats,
6 intimidation, manipulation, or fraud perpetrated by the
7 perpetrator or by a person the perpetrator knew or should have
8 known was acting in the interest of the perpetrator. This
9 Section applies to causes of action arising on or after the
10 effective date of this amendatory Act of the 95th General
11 Assembly or to causes of action for which the limitation period
12 has not yet expired.

13 (Source: P.A. 95-589, eff. 1-1-08.)

14 Section 1090. The Crime Victims Compensation Act is amended
15 by changing Sections 2, 6.1, and 14.1 as follows:

16 (740 ILCS 45/2) (from Ch. 70, par. 72)

17 Sec. 2. Definitions. As used in this Act, unless the
18 context otherwise requires:

19 (a) "Applicant" means any person who applies for
20 compensation under this Act or any person the Court of Claims
21 finds is entitled to compensation, including the guardian of a
22 minor or of a person under legal disability. It includes any
23 person who was a dependent of a deceased victim of a crime of
24 violence for his or her support at the time of the death of

1 that victim.

2 (b) "Court of Claims" means the Court of Claims created by
3 the Court of Claims Act.

4 (c) "Crime of violence" means and includes any offense
5 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,
6 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,
7 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,
8 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
9 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
10 or subdivision (a)(4) of Section 11-14.4, of the Criminal Code
11 of 1961, Sections 1(a) and 1(a-5) of the Cemetery Protection
12 Act, driving under the influence of intoxicating liquor or
13 narcotic drugs as defined in Section 11-501 of the Illinois
14 Vehicle Code, and a violation of Section 11-401 of the Illinois
15 Vehicle Code, provided the victim was a pedestrian or was
16 operating a vehicle moved solely by human power or a mobility
17 device at the time of contact; so long as the offense did not
18 occur during a civil riot, insurrection or rebellion. "Crime of
19 violence" does not include any other offense or accident
20 involving a motor vehicle except those vehicle offenses
21 specifically provided for in this paragraph. "Crime of
22 violence" does include all of the offenses specifically
23 provided for in this paragraph that occur within this State but
24 are subject to federal jurisdiction and crimes involving
25 terrorism as defined in 18 U.S.C. 2331.

26 (d) "Victim" means (1) a person killed or injured in this

1 State as a result of a crime of violence perpetrated or
2 attempted against him or her, (2) the parent of a person killed
3 or injured in this State as a result of a crime of violence
4 perpetrated or attempted against the person, (3) a person
5 killed or injured in this State while attempting to assist a
6 person against whom a crime of violence is being perpetrated or
7 attempted, if that attempt of assistance would be expected of a
8 reasonable person under the circumstances, (4) a person killed
9 or injured in this State while assisting a law enforcement
10 official apprehend a person who has perpetrated a crime of
11 violence or prevent the perpetration of any such crime if that
12 assistance was in response to the express request of the law
13 enforcement official, (5) a person who personally witnessed a
14 violent crime, (5.1) solely for the purpose of compensating for
15 pecuniary loss incurred for psychological treatment of a mental
16 or emotional condition caused or aggravated by the crime, any
17 other person under the age of 18 who is the brother, sister,
18 half brother, half sister, child, or stepchild of a person
19 killed or injured in this State as a result of a crime of
20 violence, (6) an Illinois resident who is a victim of a "crime
21 of violence" as defined in this Act except, if the crime
22 occurred outside this State, the resident has the same rights
23 under this Act as if the crime had occurred in this State upon
24 a showing that the state, territory, country, or political
25 subdivision of a country in which the crime occurred does not
26 have a compensation of victims of crimes law for which that

1 Illinois resident is eligible, (7) a deceased person whose body
2 is dismembered or whose remains are desecrated as the result of
3 a crime of violence, or (8) solely for the purpose of
4 compensating for pecuniary loss incurred for psychological
5 treatment of a mental or emotional condition caused or
6 aggravated by the crime, any parent, spouse, or child under the
7 age of 18 of a deceased person whose body is dismembered or
8 whose remains are desecrated as the result of a crime of
9 violence.

10 (e) "Dependent" means a relative of a deceased victim who
11 was wholly or partially dependent upon the victim's income at
12 the time of his or her death and shall include the child of a
13 victim born after his or her death.

14 (f) "Relative" means a spouse, parent, grandparent,
15 stepfather, stepmother, child, grandchild, brother,
16 brother-in-law, sister, sister-in-law, half brother, half
17 sister, spouse's parent, nephew, niece, uncle or aunt.

18 (g) "Child" means an unmarried son or daughter who is under
19 18 years of age and includes a stepchild, an adopted child or a
20 child born out of wedlock.

21 (h) "Pecuniary loss" means, in the case of injury,
22 appropriate medical expenses and hospital expenses including
23 expenses of medical examinations, rehabilitation, medically
24 required nursing care expenses, appropriate psychiatric care
25 or psychiatric counseling expenses, expenses for care or
26 counseling by a licensed clinical psychologist, licensed

1 clinical social worker, or licensed clinical professional
2 counselor and expenses for treatment by Christian Science
3 practitioners and nursing care appropriate thereto;
4 transportation expenses to and from medical and treatment
5 facilities; prosthetic appliances, eyeglasses, and hearing
6 aids necessary or damaged as a result of the crime; replacement
7 costs for clothing and bedding used as evidence; costs
8 associated with temporary lodging or relocation necessary as a
9 result of the crime, including, but not limited to, the first
10 month's rent and security deposit of the dwelling that the
11 claimant relocated to and other reasonable relocation expenses
12 incurred as a result of the violent crime; locks or windows
13 necessary or damaged as a result of the crime; the purchase,
14 lease, or rental of equipment necessary to create usability of
15 and accessibility to the victim's real and personal property,
16 or the real and personal property which is used by the victim,
17 necessary as a result of the crime; the costs of appropriate
18 crime scene clean-up; replacement services loss, to a maximum
19 of \$1000 per month; dependents replacement services loss, to a
20 maximum of \$1000 per month; loss of tuition paid to attend
21 grammar school or high school when the victim had been enrolled
22 as a student prior to the injury, or college or graduate school
23 when the victim had been enrolled as a day or night student
24 prior to the injury when the victim becomes unable to continue
25 attendance at school as a result of the crime of violence
26 perpetrated against him or her; loss of earnings, loss of

1 future earnings because of disability resulting from the
2 injury, and, in addition, in the case of death, expenses for
3 funeral, burial, and travel and transport for survivors of
4 homicide victims to secure bodies of deceased victims and to
5 transport bodies for burial all of which may not exceed a
6 maximum of \$5,000 and loss of support of the dependents of the
7 victim; in the case of dismemberment or desecration of a body,
8 expenses for funeral and burial, all of which may not exceed a
9 maximum of \$5,000. Loss of future earnings shall be reduced by
10 any income from substitute work actually performed by the
11 victim or by income he or she would have earned in available
12 appropriate substitute work he or she was capable of performing
13 but unreasonably failed to undertake. Loss of earnings, loss of
14 future earnings and loss of support shall be determined on the
15 basis of the victim's average net monthly earnings for the 6
16 months immediately preceding the date of the injury or on \$1000
17 per month, whichever is less. If a divorced or legally
18 separated applicant is claiming loss of support for a minor
19 child of the deceased, the amount of support for each child
20 shall be based either on the amount of support pursuant to the
21 judgment prior to the date of the deceased victim's injury or
22 death, or, if the subject of pending litigation filed by or on
23 behalf of the divorced or legally separated applicant prior to
24 the injury or death, on the result of that litigation. Real and
25 personal property includes, but is not limited to, vehicles,
26 houses, apartments, town houses, or condominiums. Pecuniary

1 loss does not include pain and suffering or property loss or
2 damage.

3 (i) "Replacement services loss" means expenses reasonably
4 incurred in obtaining ordinary and necessary services in lieu
5 of those the injured person would have performed, not for
6 income, but for the benefit of himself or herself or his or her
7 family, if he or she had not been injured.

8 (j) "Dependents replacement services loss" means loss
9 reasonably incurred by dependents or private legal guardians of
10 minor dependents after a victim's death in obtaining ordinary
11 and necessary services in lieu of those the victim would have
12 performed, not for income, but for their benefit, if he or she
13 had not been fatally injured.

14 (k) "Survivor" means immediate family including a parent,
15 step-father, step-mother, child, brother, sister, or spouse.

16 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

17 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

18 Sec. 6.1. Right to compensation. A person is entitled to
19 compensation under this Act if:

20 (a) Within 2 years of the occurrence of the crime, or
21 within one year after a criminal indictment of a person for
22 an offense, upon which the claim is based, he files an
23 application, under oath, with the Court of Claims and on a
24 form prescribed in accordance with Section 7.1 furnished by
25 the Attorney General. If the person entitled to

1 compensation is under 18 years of age or under other legal
2 disability at the time of the occurrence or becomes legally
3 disabled as a result of the occurrence, he may file the
4 application required by this subsection within 2 years
5 after he attains the age of 18 years or the disability is
6 removed, as the case may be. Legal disability includes a
7 diagnosis of posttraumatic stress disorder.

8 (b) For all crimes of violence, except those listed in
9 subsection (b-1) of this Section, the appropriate law
10 enforcement officials were notified within 72 hours of the
11 perpetration of the crime allegedly causing the death or
12 injury to the victim or, in the event such notification was
13 made more than 72 hours after the perpetration of the
14 crime, the applicant establishes that such notice was
15 timely under the circumstances.

16 (b-1) For victims of offenses defined in Sections
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
18 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the
19 appropriate law enforcement officials were notified within
20 7 days of the perpetration of the crime allegedly causing
21 death or injury to the victim or, in the event that the
22 notification was made more than 7 days after the
23 perpetration of the crime, the applicant establishes that
24 the notice was timely under the circumstances. If the
25 applicant has obtained an order of protection or a civil no
26 contact order or has presented himself or herself to a

1 hospital for sexual assault evidence collection and
2 medical care, such action shall constitute appropriate
3 notification under this subsection (b-1) or subsection (b)
4 of this Section.

5 (c) The applicant has cooperated with law enforcement
6 officials in the apprehension and prosecution of the
7 assailant. If the applicant has obtained an order of
8 protection or a civil no contact order or has presented
9 himself or herself to a hospital for sexual assault
10 evidence collection and medical care, such action shall
11 constitute cooperation under this subsection (c).

12 (d) The applicant is not the offender or an accomplice
13 of the offender and the award would not unjustly benefit
14 the offender or his accomplice.

15 (e) The injury to or death of the victim was not
16 substantially attributable to his own wrongful act and was
17 not substantially provoked by the victim.

18 (Source: P.A. 94-192, eff. 1-1-06; 95-250, eff. 1-1-08; 95-331,
19 eff. 8-21-07.)

20 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)

21 Sec. 14.1. (a) Hearings shall be open to the public unless
22 the Court of Claims determines that a closed hearing should be
23 held because:

24 (1) the alleged assailant has not been brought to trial
25 and a public hearing would adversely affect either his

1 apprehension or his trial;

2 (2) the offense allegedly perpetrated against the
3 victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,
4 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 and
5 the interests of the victim or of persons dependent on his
6 support require that the public be excluded from the
7 hearing;

8 (3) the victim or the alleged assailant is a minor; or

9 (4) the interests of justice would be frustrated,
10 rather than furthered, if the hearing were open to the
11 public.

12 (b) A transcript shall be kept of the hearings held before
13 the Court of Claims. No part of the transcript of any hearing
14 before the Court of Claims may be used for any purpose in a
15 criminal proceeding except in the prosecution of a person
16 alleged to have perjured himself in his testimony before the
17 Court of Claims. A copy of the transcript may be furnished to
18 the applicant upon his written request to the court reporter,
19 accompanied by payment of a charge established by the Court of
20 Claims in accordance with the prevailing commercial charge for
21 a duplicate transcript. Where the interests of justice require,
22 the Court of Claims may refuse to disclose the names of victims
23 or other material in the transcript by which the identity of
24 the victim could be discovered.

25 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

1 Section 1095. The Predator Accountability Act is amended by
2 changing Sections 10 and 15 as follows:

3 (740 ILCS 128/10)

4 Sec. 10. Definitions. As used in this Act:

5 "Sex trade" means any act, which if proven beyond a
6 reasonable doubt could support a conviction for a violation or
7 attempted violation of any of the following Sections of the
8 Criminal Code of 1961: 11-14.3 (promoting prostitution);
9 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
10 for a prostitute); 11-15.1 (soliciting for a juvenile
11 prostitute); 11-16 (pandering); 11-17 (keeping a place of
12 prostitution); 11-17.1 (keeping a place of juvenile
13 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
14 aggravated juvenile pimping); 11-19.2 (exploitation of a
15 child); 11-20 (obscenity); ~~or~~ 11-20.1 (child pornography); or
16 11-20.1B or 11-20.3 (aggravated child pornography); or Section
17 10-9 of the Criminal Code of 1961 (trafficking of persons and
18 involuntary servitude).

19 "Sex trade" activity may involve adults and youth of all
20 genders and sexual orientations.

21 "Victim of the sex trade" means, for the following sex
22 trade acts, the person or persons indicated:

23 (1) soliciting for a prostitute: the prostitute who is
24 the object of the solicitation;

25 (2) soliciting for a juvenile prostitute: the juvenile

1 prostitute, or severely or profoundly mentally retarded
2 person, who is the object of the solicitation;

3 (3) promoting prostitution as described in subdivision
4 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
5 Code of 1961, or pandering: the person intended or
6 compelled to act as a prostitute;

7 (4) keeping a place of prostitution: any person
8 intended or compelled to act as a prostitute, while present
9 at the place, during the time period in question;

10 (5) keeping a place of juvenile prostitution: any
11 juvenile intended or compelled to act as a prostitute,
12 while present at the place, during the time period in
13 question;

14 (6) promoting prostitution as described in subdivision
15 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,
16 or pimping: the prostitute from whom anything of value is
17 received;

18 (7) promoting juvenile prostitution as described in
19 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the
20 Criminal Code of 1961, or juvenile pimping and aggravated
21 juvenile pimping: the juvenile, or severely or profoundly
22 mentally retarded person, from whom anything of value is
23 received for that person's act of prostitution;

24 (8) promoting juvenile prostitution as described in
25 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
26 of 1961, or exploitation of a child: the juvenile, or

1 severely or profoundly mentally retarded person, intended
2 or compelled to act as a prostitute or from whom anything
3 of value is received for that person's act of prostitution;

4 (9) obscenity: any person who appears in or is
5 described or depicted in the offending conduct or material;

6 (10) child pornography or aggravated child
7 pornography: any child, or severely or profoundly mentally
8 retarded person, who appears in or is described or depicted
9 in the offending conduct or material; or

10 (11) trafficking of persons or involuntary servitude:
11 a "trafficking victim" as defined in Section 10-9 of the
12 Criminal Code of 1961.

13 (Source: P.A. 96-710, eff. 1-1-10.)

14 (740 ILCS 128/15)

15 Sec. 15. Cause of action.

16 (a) Violations of this Act are actionable in civil court.

17 (b) A victim of the sex trade has a cause of action against
18 a person or entity who:

19 (1) recruits, profits from, or maintains the victim in
20 any sex trade act;

21 (2) intentionally abuses, as defined in Section 103 of
22 the Illinois Domestic Violence Act of 1986, or causes
23 bodily harm, as defined in Section 11-0.1 ~~12-12~~ of the
24 Criminal Code of 1961, to the victim in any sex trade act;
25 or

1 (3) knowingly advertises or publishes advertisements
2 for purposes of recruitment into sex trade activity.

3 (c) This Section shall not be construed to create liability
4 to any person or entity who provides goods or services to the
5 general public, who also provides those goods or services to
6 persons who would be liable under subsection (b) of this
7 Section, absent a showing that the person or entity either:

8 (1) knowingly markets or provides its goods or services
9 primarily to persons or entities liable under subsection
10 (b) of this Section;

11 (2) knowingly receives a higher level of compensation
12 from persons or entities liable under subsection (b) of
13 this Section than it generally receives from customers; or

14 (3) supervises or exercises control over persons or
15 entities liable under subsection (b) of this Section.

16 (Source: P.A. 94-998, eff. 7-3-06.)

17 Section 1100. The Illinois Marriage and Dissolution of
18 Marriage Act is amended by changing Section 503 as follows:

19 (750 ILCS 5/503) (from Ch. 40, par. 503)

20 Sec. 503. Disposition of property.

21 (a) For purposes of this Act, "marital property" means all
22 property acquired by either spouse subsequent to the marriage,
23 except the following, which is known as "non-marital property":

24 (1) property acquired by gift, legacy or descent;

1 (2) property acquired in exchange for property
2 acquired before the marriage or in exchange for property
3 acquired by gift, legacy or descent;

4 (3) property acquired by a spouse after a judgment of
5 legal separation;

6 (4) property excluded by valid agreement of the
7 parties;

8 (5) any judgment or property obtained by judgment
9 awarded to a spouse from the other spouse;

10 (6) property acquired before the marriage;

11 (7) the increase in value of property acquired by a
12 method listed in paragraphs (1) through (6) of this
13 subsection, irrespective of whether the increase results
14 from a contribution of marital property, non-marital
15 property, the personal effort of a spouse, or otherwise,
16 subject to the right of reimbursement provided in
17 subsection (c) of this Section; and

18 (8) income from property acquired by a method listed in
19 paragraphs (1) through (7) of this subsection if the income
20 is not attributable to the personal effort of a spouse.

21 (b) (1) For purposes of distribution of property pursuant to
22 this Section, all property acquired by either spouse after the
23 marriage and before a judgment of dissolution of marriage or
24 declaration of invalidity of marriage, including non-marital
25 property transferred into some form of co-ownership between the
26 spouses, is presumed to be marital property, regardless of

1 whether title is held individually or by the spouses in some
2 form of co-ownership such as joint tenancy, tenancy in common,
3 tenancy by the entirety, or community property. The presumption
4 of marital property is overcome by a showing that the property
5 was acquired by a method listed in subsection (a) of this
6 Section.

7 (2) For purposes of distribution of property pursuant to
8 this Section, all pension benefits (including pension benefits
9 under the Illinois Pension Code) acquired by either spouse
10 after the marriage and before a judgment of dissolution of
11 marriage or declaration of invalidity of the marriage are
12 presumed to be marital property, regardless of which spouse
13 participates in the pension plan. The presumption that these
14 pension benefits are marital property is overcome by a showing
15 that the pension benefits were acquired by a method listed in
16 subsection (a) of this Section. The right to a division of
17 pension benefits in just proportions under this Section is
18 enforceable under Section 1-119 of the Illinois Pension Code.

19 The value of pension benefits in a retirement system
20 subject to the Illinois Pension Code shall be determined in
21 accordance with the valuation procedures established by the
22 retirement system.

23 The recognition of pension benefits as marital property and
24 the division of those benefits pursuant to a Qualified Illinois
25 Domestic Relations Order shall not be deemed to be a
26 diminishment, alienation, or impairment of those benefits. The

1 division of pension benefits is an allocation of property in
2 which each spouse has a species of common ownership.

3 (3) For purposes of distribution of property under this
4 Section, all stock options granted to either spouse after the
5 marriage and before a judgment of dissolution of marriage or
6 declaration of invalidity of marriage, whether vested or
7 non-vested or whether their value is ascertainable, are
8 presumed to be marital property. This presumption of marital
9 property is overcome by a showing that the stock options were
10 acquired by a method listed in subsection (a) of this Section.
11 The court shall allocate stock options between the parties at
12 the time of the judgment of dissolution of marriage or
13 declaration of invalidity of marriage recognizing that the
14 value of the stock options may not be then determinable and
15 that the actual division of the options may not occur until a
16 future date. In making the allocation between the parties, the
17 court shall consider, in addition to the factors set forth in
18 subsection (d) of this Section, the following:

19 (i) All circumstances underlying the grant of the stock
20 option including but not limited to whether the grant was
21 for past, present, or future efforts, or any combination
22 thereof.

23 (ii) The length of time from the grant of the option to
24 the time the option is exercisable.

25 (c) Commingled marital and non-marital property shall be
26 treated in the following manner, unless otherwise agreed by the

1 spouses:

2 (1) When marital and non-marital property are
3 commingled by contributing one estate of property into
4 another resulting in a loss of identity of the contributed
5 property, the classification of the contributed property
6 is transmuted to the estate receiving the contribution,
7 subject to the provisions of paragraph (2) of this
8 subsection; provided that if marital and non-marital
9 property are commingled into newly acquired property
10 resulting in a loss of identity of the contributing
11 estates, the commingled property shall be deemed
12 transmuted to marital property, subject to the provisions
13 of paragraph (2) of this subsection.

14 (2) When one estate of property makes a contribution to
15 another estate of property, or when a spouse contributes
16 personal effort to non-marital property, the contributing
17 estate shall be reimbursed from the estate receiving the
18 contribution notwithstanding any transmutation; provided,
19 that no such reimbursement shall be made with respect to a
20 contribution which is not retraceable by clear and
21 convincing evidence, or was a gift, or, in the case of a
22 contribution of personal effort of a spouse to non-marital
23 property, unless the effort is significant and results in
24 substantial appreciation of the non-marital property.
25 Personal effort of a spouse shall be deemed a contribution
26 by the marital estate. The court may provide for

1 reimbursement out of the marital property to be divided or
2 by imposing a lien against the non-marital property which
3 received the contribution.

4 (d) In a proceeding for dissolution of marriage or
5 declaration of invalidity of marriage, or in a proceeding for
6 disposition of property following dissolution of marriage by a
7 court which lacked personal jurisdiction over the absent spouse
8 or lacked jurisdiction to dispose of the property, the court
9 shall assign each spouse's non-marital property to that spouse.
10 It also shall divide the marital property without regard to
11 marital misconduct in just proportions considering all
12 relevant factors, including:

13 (1) the contribution of each party to the acquisition,
14 preservation, or increase or decrease in value of the
15 marital or non-marital property, including (i) any such
16 decrease attributable to a payment deemed to have been an
17 advance from the parties' marital estate under subsection
18 (c-1)(2) of Section 501 and (ii) the contribution of a
19 spouse as a homemaker or to the family unit;

20 (2) the dissipation by each party of the marital or
21 non-marital property;

22 (3) the value of the property assigned to each spouse;

23 (4) the duration of the marriage;

24 (5) the relevant economic circumstances of each spouse
25 when the division of property is to become effective,
26 including the desirability of awarding the family home, or

1 the right to live therein for reasonable periods, to the
2 spouse having custody of the children;

3 (6) any obligations and rights arising from a prior
4 marriage of either party;

5 (7) any antenuptial agreement of the parties;

6 (8) the age, health, station, occupation, amount and
7 sources of income, vocational skills, employability,
8 estate, liabilities, and needs of each of the parties;

9 (9) the custodial provisions for any children;

10 (10) whether the apportionment is in lieu of or in
11 addition to maintenance;

12 (11) the reasonable opportunity of each spouse for
13 future acquisition of capital assets and income; and

14 (12) the tax consequences of the property division upon
15 the respective economic circumstances of the parties.

16 (e) Each spouse has a species of common ownership in the
17 marital property which vests at the time dissolution
18 proceedings are commenced and continues only during the
19 pendency of the action. Any such interest in marital property
20 shall not encumber that property so as to restrict its
21 transfer, assignment or conveyance by the title holder unless
22 such title holder is specifically enjoined from making such
23 transfer, assignment or conveyance.

24 (f) In a proceeding for dissolution of marriage or
25 declaration of invalidity of marriage or in a proceeding for
26 disposition of property following dissolution of marriage by a

1 court that lacked personal jurisdiction over the absent spouse
2 or lacked jurisdiction to dispose of the property, the court,
3 in determining the value of the marital and non-marital
4 property for purposes of dividing the property, shall value the
5 property as of the date of trial or some other date as close to
6 the date of trial as is practicable.

7 (g) The court if necessary to protect and promote the best
8 interests of the children may set aside a portion of the
9 jointly or separately held estates of the parties in a separate
10 fund or trust for the support, maintenance, education, physical
11 and mental health, and general welfare of any minor, dependent,
12 or incompetent child of the parties. In making a determination
13 under this subsection, the court may consider, among other
14 things, the conviction of a party of any of the offenses set
15 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
16 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
17 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a
18 child of one or both of the parties, and there is a need for,
19 and cost of, care, healing and counseling for the child who is
20 the victim of the crime.

21 (h) Unless specifically directed by a reviewing court, or
22 upon good cause shown, the court shall not on remand consider
23 any increase or decrease in the value of any "marital" or
24 "non-marital" property occurring since the assessment of such
25 property at the original trial or hearing, but shall use only
26 that assessment made at the original trial or hearing.

1 (i) The court may make such judgments affecting the marital
2 property as may be just and may enforce such judgments by
3 ordering a sale of marital property, with proceeds therefrom to
4 be applied as determined by the court.

5 (j) After proofs have closed in the final hearing on all
6 other issues between the parties (or in conjunction with the
7 final hearing, if all parties so stipulate) and before judgment
8 is entered, a party's petition for contribution to fees and
9 costs incurred in the proceeding shall be heard and decided, in
10 accordance with the following provisions:

11 (1) A petition for contribution, if not filed before
12 the final hearing on other issues between the parties,
13 shall be filed no later than 30 days after the closing of
14 proofs in the final hearing or within such other period as
15 the court orders.

16 (2) Any award of contribution to one party from the
17 other party shall be based on the criteria for division of
18 marital property under this Section 503 and, if maintenance
19 has been awarded, on the criteria for an award of
20 maintenance under Section 504.

21 (3) The filing of a petition for contribution shall not
22 be deemed to constitute a waiver of the attorney-client
23 privilege between the petitioning party and current or
24 former counsel; and such a waiver shall not constitute a
25 prerequisite to a hearing for contribution. If either
26 party's presentation on contribution, however, includes

1 evidence within the scope of the attorney-client
2 privilege, the disclosure or disclosures shall be narrowly
3 construed and shall not be deemed by the court to
4 constitute a general waiver of the privilege as to matters
5 beyond the scope of the presentation.

6 (4) No finding on which a contribution award is based
7 or denied shall be asserted against counsel or former
8 counsel for purposes of any hearing under subsection (c) or
9 (e) of Section 508.

10 (5) A contribution award (payable to either the
11 petitioning party or the party's counsel, or jointly, as
12 the court determines) may be in the form of either a set
13 dollar amount or a percentage of fees and costs (or a
14 portion of fees and costs) to be subsequently agreed upon
15 by the petitioning party and counsel or, alternatively,
16 thereafter determined in a hearing pursuant to subsection
17 (c) of Section 508 or previously or thereafter determined
18 in an independent proceeding under subsection (e) of
19 Section 508.

20 (6) The changes to this Section 503 made by this
21 amendatory Act of 1996 apply to cases pending on or after
22 June 1, 1997, except as otherwise provided in Section 508.

23 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

24 Section 1105. The Illinois Parentage Act of 1984 is amended
25 by changing Section 6.5 as follows:

1 (750 ILCS 45/6.5)

2 Sec. 6.5. Custody or visitation by sex offender prohibited.
3 A person found to be the father of a child under this Act, and
4 who has been convicted of or who has pled guilty to a violation
5 of Section 11-11 (sexual relations within families), Section
6 11-1.20 or 12-13 (criminal sexual assault), Section 11-1.30 or
7 12-14 (aggravated criminal sexual assault), Section 11-1.40 or
8 12-14.1 (predatory criminal sexual assault of a child), Section
9 11-1.50 or 12-15 (criminal sexual abuse), or Section 11-1.60 or
10 12-16 (aggravated criminal sexual abuse) of the Criminal Code
11 of 1961 for his conduct in fathering that child, shall not be
12 entitled to custody of or visitation with that child without
13 the consent of the mother or guardian, other than the father of
14 the child who has been convicted of or pled guilty to one of
15 the offenses listed in this Section, or, in cases where the
16 mother is a minor, the guardian of the mother of the child.
17 Notwithstanding any other provision of this Act, nothing in
18 this Section shall be construed to relieve the father of any
19 support and maintenance obligations to the child under this
20 Act.

21 (Source: P.A. 94-928, eff. 6-26-06.)

22 Section 1110. The Adoption Act is amended by changing
23 Section 1 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood or marriage:
9 parent, grand-parent, brother, sister, step-parent,
10 step-grandparent, step-brother, step-sister, uncle, aunt,
11 great-uncle, great-aunt, or cousin of first degree. A child
12 whose parent has executed a final irrevocable consent to
13 adoption or a final irrevocable surrender for purposes of
14 adoption, or whose parent has had his or her parental rights
15 terminated, is not a related child to that person, unless the
16 consent is determined to be void or is void pursuant to
17 subsection O of Section 10.

18 C. "Agency" for the purpose of this Act means a public
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall
21 find to be unfit to have a child, without regard to the
22 likelihood that the child will be placed for adoption. The
23 grounds of unfitness are any one or more of the following,
24 except that a person shall not be considered an unfit person
25 for the sole reason that the person has relinquished a child in
26 accordance with the Abandoned Newborn Infant Protection Act:

1 (a) Abandonment of the child.

2 (a-1) Abandonment of a newborn infant in a hospital.

3 (a-2) Abandonment of a newborn infant in any setting
4 where the evidence suggests that the parent intended to
5 relinquish his or her parental rights.

6 (b) Failure to maintain a reasonable degree of
7 interest, concern or responsibility as to the child's
8 welfare.

9 (c) Desertion of the child for more than 3 months next
10 preceding the commencement of the Adoption proceeding.

11 (d) Substantial neglect of the child if continuous or
12 repeated.

13 (d-1) Substantial neglect, if continuous or repeated,
14 of any child residing in the household which resulted in
15 the death of that child.

16 (e) Extreme or repeated cruelty to the child.

17 (f) There is a rebuttable presumption, which can be
18 overcome only by clear and convincing evidence, that a
19 parent is unfit if:

20 (1) Two or more findings of physical abuse have
21 been entered regarding any children under Section 2-21
22 of the Juvenile Court Act of 1987, the most recent of
23 which was determined by the juvenile court hearing the
24 matter to be supported by clear and convincing
25 evidence; or

26 (2) The parent has been convicted or found not

1 guilty by reason of insanity and the conviction or
2 finding resulted from the death of any child by
3 physical abuse; or

4 (3) There is a finding of physical child abuse
5 resulting from the death of any child under Section
6 2-21 of the Juvenile Court Act of 1987.

7 No conviction or finding of delinquency pursuant
8 to Article 5 of the Juvenile Court Act of 1987 shall be
9 considered a criminal conviction for the purpose of
10 applying any presumption under this item (f).

11 (g) Failure to protect the child from conditions within
12 his environment injurious to the child's welfare.

13 (h) Other neglect of, or misconduct toward the child;
14 provided that in making a finding of unfitness the court
15 hearing the adoption proceeding shall not be bound by any
16 previous finding, order or judgment affecting or
17 determining the rights of the parents toward the child
18 sought to be adopted in any other proceeding except such
19 proceedings terminating parental rights as shall be had
20 under either this Act, the Juvenile Court Act or the
21 Juvenile Court Act of 1987.

22 (i) Depravity. Conviction of any one of the following
23 crimes shall create a presumption that a parent is deprived
24 which can be overcome only by clear and convincing
25 evidence: (1) first degree murder in violation of paragraph
26 1 or 2 of subsection (a) of Section 9-1 of the Criminal

1 Code of 1961 or conviction of second degree murder in
2 violation of subsection (a) of Section 9-2 of the Criminal
3 Code of 1961 of a parent of the child to be adopted; (2)
4 first degree murder or second degree murder of any child in
5 violation of the Criminal Code of 1961; (3) attempt or
6 conspiracy to commit first degree murder or second degree
7 murder of any child in violation of the Criminal Code of
8 1961; (4) solicitation to commit murder of any child,
9 solicitation to commit murder of any child for hire, or
10 solicitation to commit second degree murder of any child in
11 violation of the Criminal Code of 1961; (5) predatory
12 criminal sexual assault of a child in violation of Section
13 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)
14 heinous battery of any child in violation of the Criminal
15 Code of 1961; or (7) aggravated battery of any child in
16 violation of the Criminal Code of 1961.

17 There is a rebuttable presumption that a parent is
18 deprived if the parent has been criminally convicted of at
19 least 3 felonies under the laws of this State or any other
20 state, or under federal law, or the criminal laws of any
21 United States territory; and at least one of these
22 convictions took place within 5 years of the filing of the
23 petition or motion seeking termination of parental rights.

24 There is a rebuttable presumption that a parent is
25 deprived if that parent has been criminally convicted of
26 either first or second degree murder of any person as

1 defined in the Criminal Code of 1961 within 10 years of the
2 filing date of the petition or motion to terminate parental
3 rights.

4 No conviction or finding of delinquency pursuant to
5 Article 5 of the Juvenile Court Act of 1987 shall be
6 considered a criminal conviction for the purpose of
7 applying any presumption under this item (i).

8 (j) Open and notorious adultery or fornication.

9 (j-1) (Blank).

10 (k) Habitual drunkenness or addiction to drugs, other
11 than those prescribed by a physician, for at least one year
12 immediately prior to the commencement of the unfitness
13 proceeding.

14 There is a rebuttable presumption that a parent is
15 unfit under this subsection with respect to any child to
16 which that parent gives birth where there is a confirmed
17 test result that at birth the child's blood, urine, or
18 meconium contained any amount of a controlled substance as
19 defined in subsection (f) of Section 102 of the Illinois
20 Controlled Substances Act or metabolites of such
21 substances, the presence of which in the newborn infant was
22 not the result of medical treatment administered to the
23 mother or the newborn infant; and the biological mother of
24 this child is the biological mother of at least one other
25 child who was adjudicated a neglected minor under
26 subsection (c) of Section 2-3 of the Juvenile Court Act of

1 1987.

2 (l) Failure to demonstrate a reasonable degree of
3 interest, concern or responsibility as to the welfare of a
4 new born child during the first 30 days after its birth.

5 (m) Failure by a parent (i) to make reasonable efforts
6 to correct the conditions that were the basis for the
7 removal of the child from the parent, or (ii) to make
8 reasonable progress toward the return of the child to the
9 parent within 9 months after an adjudication of neglected
10 or abused minor under Section 2-3 of the Juvenile Court Act
11 of 1987 or dependent minor under Section 2-4 of that Act,
12 or (iii) to make reasonable progress toward the return of
13 the child to the parent during any 9-month period after the
14 end of the initial 9-month period following the
15 adjudication of neglected or abused minor under Section 2-3
16 of the Juvenile Court Act of 1987 or dependent minor under
17 Section 2-4 of that Act. If a service plan has been
18 established as required under Section 8.2 of the Abused and
19 Neglected Child Reporting Act to correct the conditions
20 that were the basis for the removal of the child from the
21 parent and if those services were available, then, for
22 purposes of this Act, "failure to make reasonable progress
23 toward the return of the child to the parent" includes (I)
24 the parent's failure to substantially fulfill his or her
25 obligations under the service plan and correct the
26 conditions that brought the child into care within 9 months

1 after the adjudication under Section 2-3 or 2-4 of the
2 Juvenile Court Act of 1987 and (II) the parent's failure to
3 substantially fulfill his or her obligations under the
4 service plan and correct the conditions that brought the
5 child into care during any 9-month period after the end of
6 the initial 9-month period following the adjudication
7 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
8 Notwithstanding any other provision, when a petition or
9 motion seeks to terminate parental rights on the basis of
10 item (iii) of this subsection (m), the petitioner shall
11 file with the court and serve on the parties a pleading
12 that specifies the 9-month period or periods relied on. The
13 pleading shall be filed and served on the parties no later
14 than 3 weeks before the date set by the court for closure
15 of discovery, and the allegations in the pleading shall be
16 treated as incorporated into the petition or motion.
17 Failure of a respondent to file a written denial of the
18 allegations in the pleading shall not be treated as an
19 admission that the allegations are true.

20 (m-1) Pursuant to the Juvenile Court Act of 1987, a
21 child has been in foster care for 15 months out of any 22
22 month period which begins on or after the effective date of
23 this amendatory Act of 1998 unless the child's parent can
24 prove by a preponderance of the evidence that it is more
25 likely than not that it will be in the best interests of
26 the child to be returned to the parent within 6 months of

1 the date on which a petition for termination of parental
2 rights is filed under the Juvenile Court Act of 1987. The
3 15 month time limit is tolled during any period for which
4 there is a court finding that the appointed custodian or
5 guardian failed to make reasonable efforts to reunify the
6 child with his or her family, provided that (i) the finding
7 of no reasonable efforts is made within 60 days of the
8 period when reasonable efforts were not made or (ii) the
9 parent filed a motion requesting a finding of no reasonable
10 efforts within 60 days of the period when reasonable
11 efforts were not made. For purposes of this subdivision
12 (m-1), the date of entering foster care is the earlier of:
13 (i) the date of a judicial finding at an adjudicatory
14 hearing that the child is an abused, neglected, or
15 dependent minor; or (ii) 60 days after the date on which
16 the child is removed from his or her parent, guardian, or
17 legal custodian.

18 (n) Evidence of intent to forgo his or her parental
19 rights, whether or not the child is a ward of the court,
20 (1) as manifested by his or her failure for a period of 12
21 months: (i) to visit the child, (ii) to communicate with
22 the child or agency, although able to do so and not
23 prevented from doing so by an agency or by court order, or
24 (iii) to maintain contact with or plan for the future of
25 the child, although physically able to do so, or (2) as
26 manifested by the father's failure, where he and the mother

1 of the child were unmarried to each other at the time of
2 the child's birth, (i) to commence legal proceedings to
3 establish his paternity under the Illinois Parentage Act of
4 1984 or the law of the jurisdiction of the child's birth
5 within 30 days of being informed, pursuant to Section 12a
6 of this Act, that he is the father or the likely father of
7 the child or, after being so informed where the child is
8 not yet born, within 30 days of the child's birth, or (ii)
9 to make a good faith effort to pay a reasonable amount of
10 the expenses related to the birth of the child and to
11 provide a reasonable amount for the financial support of
12 the child, the court to consider in its determination all
13 relevant circumstances, including the financial condition
14 of both parents; provided that the ground for termination
15 provided in this subparagraph (n)(2)(ii) shall only be
16 available where the petition is brought by the mother or
17 the husband of the mother.

18 Contact or communication by a parent with his or her
19 child that does not demonstrate affection and concern does
20 not constitute reasonable contact and planning under
21 subdivision (n). In the absence of evidence to the
22 contrary, the ability to visit, communicate, maintain
23 contact, pay expenses and plan for the future shall be
24 presumed. The subjective intent of the parent, whether
25 expressed or otherwise, unsupported by evidence of the
26 foregoing parental acts manifesting that intent, shall not

1 preclude a determination that the parent has intended to
2 forgo his or her parental rights. In making this
3 determination, the court may consider but shall not require
4 a showing of diligent efforts by an authorized agency to
5 encourage the parent to perform the acts specified in
6 subdivision (n).

7 It shall be an affirmative defense to any allegation
8 under paragraph (2) of this subsection that the father's
9 failure was due to circumstances beyond his control or to
10 impediments created by the mother or any other person
11 having legal custody. Proof of that fact need only be by a
12 preponderance of the evidence.

13 (o) Repeated or continuous failure by the parents,
14 although physically and financially able, to provide the
15 child with adequate food, clothing, or shelter.

16 (p) Inability to discharge parental responsibilities
17 supported by competent evidence from a psychiatrist,
18 licensed clinical social worker, or clinical psychologist
19 of mental impairment, mental illness or mental retardation
20 as defined in Section 1-116 of the Mental Health and
21 Developmental Disabilities Code, or developmental
22 disability as defined in Section 1-106 of that Code, and
23 there is sufficient justification to believe that the
24 inability to discharge parental responsibilities shall
25 extend beyond a reasonable time period. However, this
26 subdivision (p) shall not be construed so as to permit a

1 licensed clinical social worker to conduct any medical
2 diagnosis to determine mental illness or mental
3 impairment.

4 (q) (Blank).

5 (r) The child is in the temporary custody or
6 guardianship of the Department of Children and Family
7 Services, the parent is incarcerated as a result of
8 criminal conviction at the time the petition or motion for
9 termination of parental rights is filed, prior to
10 incarceration the parent had little or no contact with the
11 child or provided little or no support for the child, and
12 the parent's incarceration will prevent the parent from
13 discharging his or her parental responsibilities for the
14 child for a period in excess of 2 years after the filing of
15 the petition or motion for termination of parental rights.

16 (s) The child is in the temporary custody or
17 guardianship of the Department of Children and Family
18 Services, the parent is incarcerated at the time the
19 petition or motion for termination of parental rights is
20 filed, the parent has been repeatedly incarcerated as a
21 result of criminal convictions, and the parent's repeated
22 incarceration has prevented the parent from discharging
23 his or her parental responsibilities for the child.

24 (t) A finding that at birth the child's blood, urine,
25 or meconium contained any amount of a controlled substance
26 as defined in subsection (f) of Section 102 of the Illinois

1 Controlled Substances Act, or a metabolite of a controlled
2 substance, with the exception of controlled substances or
3 metabolites of such substances, the presence of which in
4 the newborn infant was the result of medical treatment
5 administered to the mother or the newborn infant, and that
6 the biological mother of this child is the biological
7 mother of at least one other child who was adjudicated a
8 neglected minor under subsection (c) of Section 2-3 of the
9 Juvenile Court Act of 1987, after which the biological
10 mother had the opportunity to enroll in and participate in
11 a clinically appropriate substance abuse counseling,
12 treatment, and rehabilitation program.

13 E. "Parent" means the father or mother of a lawful child of
14 the parties or child born out of wedlock. For the purpose of
15 this Act, a person who has executed a final and irrevocable
16 consent to adoption or a final and irrevocable surrender for
17 purposes of adoption, or whose parental rights have been
18 terminated by a court, is not a parent of the child who was the
19 subject of the consent or surrender, unless the consent is void
20 pursuant to subsection O of Section 10.

21 F. A person is available for adoption when the person is:

22 (a) a child who has been surrendered for adoption to an
23 agency and to whose adoption the agency has thereafter
24 consented;

25 (b) a child to whose adoption a person authorized by
26 law, other than his parents, has consented, or to whose

1 adoption no consent is required pursuant to Section 8 of
2 this Act;

3 (c) a child who is in the custody of persons who intend
4 to adopt him through placement made by his parents;

5 (c-1) a child for whom a parent has signed a specific
6 consent pursuant to subsection O of Section 10;

7 (d) an adult who meets the conditions set forth in
8 Section 3 of this Act; or

9 (e) a child who has been relinquished as defined in
10 Section 10 of the Abandoned Newborn Infant Protection Act.

11 A person who would otherwise be available for adoption
12 shall not be deemed unavailable for adoption solely by reason
13 of his or her death.

14 G. The singular includes the plural and the plural includes
15 the singular and the "male" includes the "female", as the
16 context of this Act may require.

17 H. "Adoption disruption" occurs when an adoptive placement
18 does not prove successful and it becomes necessary for the
19 child to be removed from placement before the adoption is
20 finalized.

21 I. "Foreign placing agency" is an agency or individual
22 operating in a country or territory outside the United States
23 that is authorized by its country to place children for
24 adoption either directly with families in the United States or
25 through United States based international agencies.

26 J. "Immediate relatives" means the biological parents, the

1 parents of the biological parents and siblings of the
2 biological parents.

3 K. "Intercountry adoption" is a process by which a child
4 from a country other than the United States is adopted.

5 L. "Intercountry Adoption Coordinator" is a staff person of
6 the Department of Children and Family Services appointed by the
7 Director to coordinate the provision of services by the public
8 and private sector to prospective parents of foreign-born
9 children.

10 M. "Interstate Compact on the Placement of Children" is a
11 law enacted by most states for the purpose of establishing
12 uniform procedures for handling the interstate placement of
13 children in foster homes, adoptive homes, or other child care
14 facilities.

15 N. "Non-Compact state" means a state that has not enacted
16 the Interstate Compact on the Placement of Children.

17 O. "Preadoption requirements" are any conditions
18 established by the laws or regulations of the Federal
19 Government or of each state that must be met prior to the
20 placement of a child in an adoptive home.

21 P. "Abused child" means a child whose parent or immediate
22 family member, or any person responsible for the child's
23 welfare, or any individual residing in the same home as the
24 child, or a paramour of the child's parent:

25 (a) inflicts, causes to be inflicted, or allows to be
26 inflicted upon the child physical injury, by other than

1 accidental means, that causes death, disfigurement,
2 impairment of physical or emotional health, or loss or
3 impairment of any bodily function;

4 (b) creates a substantial risk of physical injury to
5 the child by other than accidental means which would be
6 likely to cause death, disfigurement, impairment of
7 physical or emotional health, or loss or impairment of any
8 bodily function;

9 (c) commits or allows to be committed any sex offense
10 against the child, as sex offenses are defined in the
11 Criminal Code of 1961 and extending those definitions of
12 sex offenses to include children under 18 years of age;

13 (d) commits or allows to be committed an act or acts of
14 torture upon the child; or

15 (e) inflicts excessive corporal punishment.

16 Q. "Neglected child" means any child whose parent or other
17 person responsible for the child's welfare withholds or denies
18 nourishment or medically indicated treatment including food or
19 care denied solely on the basis of the present or anticipated
20 mental or physical impairment as determined by a physician
21 acting alone or in consultation with other physicians or
22 otherwise does not provide the proper or necessary support,
23 education as required by law, or medical or other remedial care
24 recognized under State law as necessary for a child's
25 well-being, or other care necessary for his or her well-being,
26 including adequate food, clothing and shelter; or who is

1 abandoned by his or her parents or other person responsible for
2 the child's welfare.

3 A child shall not be considered neglected or abused for the
4 sole reason that the child's parent or other person responsible
5 for his or her welfare depends upon spiritual means through
6 prayer alone for the treatment or cure of disease or remedial
7 care as provided under Section 4 of the Abused and Neglected
8 Child Reporting Act. A child shall not be considered neglected
9 or abused for the sole reason that the child's parent or other
10 person responsible for the child's welfare failed to vaccinate,
11 delayed vaccination, or refused vaccination for the child due
12 to a waiver on religious or medical grounds as permitted by
13 law.

14 R. "Putative father" means a man who may be a child's
15 father, but who (1) is not married to the child's mother on or
16 before the date that the child was or is to be born and (2) has
17 not established paternity of the child in a court proceeding
18 before the filing of a petition for the adoption of the child.
19 The term includes a male who is less than 18 years of age.
20 "Putative father" does not mean a man who is the child's father
21 as a result of criminal sexual abuse or assault as defined
22 under Article 12 of the Criminal Code of 1961.

23 S. "Standby adoption" means an adoption in which a parent
24 consents to custody and termination of parental rights to
25 become effective upon the occurrence of a future event, which
26 is either the death of the parent or the request of the parent

1 for the entry of a final judgment of adoption.

2 T. (Blank).

3 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,
4 eff. 1-1-06; 94-939, eff. 1-1-07.)

5 Section 1115. The Parental Notice of Abortion Act of 1995
6 is amended by changing Section 10 as follows:

7 (750 ILCS 70/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Abortion" means the use of any instrument, medicine, drug,
10 or any other substance or device to terminate the pregnancy of
11 a woman known to be pregnant with an intention other than to
12 increase the probability of a live birth, to preserve the life
13 or health of a child after live birth, or to remove a dead
14 fetus.

15 "Actual notice" means the giving of notice directly, in
16 person, or by telephone.

17 "Adult family member" means a person over 21 years of age
18 who is the parent, grandparent, step-parent living in the
19 household, or legal guardian.

20 "Constructive notice" means notice by certified mail to the
21 last known address of the person entitled to notice with
22 delivery deemed to have occurred 48 hours after the certified
23 notice is mailed.

24 "Incompetent" means any person who has been adjudged as

1 mentally ill or developmentally disabled and who, because of
2 her mental illness or developmental disability, is not fully
3 able to manage her person and for whom a guardian of the person
4 has been appointed under Section 11a-3(a) (1) of the Probate Act
5 of 1975.

6 "Medical emergency" means a condition that, on the basis of
7 the physician's good faith clinical judgment, so complicates
8 the medical condition of a pregnant woman as to necessitate the
9 immediate abortion of her pregnancy to avert her death or for
10 which a delay will create serious risk of substantial and
11 irreversible impairment of major bodily function.

12 "Minor" means any person under 18 years of age who is not
13 or has not been married or who has not been emancipated under
14 the Emancipation of Minors Act.

15 "Neglect" means the failure of an adult family member to
16 supply a child with necessary food, clothing, shelter, or
17 medical care when reasonably able to do so or the failure to
18 protect a child from conditions or actions that imminently and
19 seriously endanger the child's physical or mental health when
20 reasonably able to do so.

21 "Physical abuse" means any physical injury intentionally
22 inflicted by an adult family member on a child.

23 "Physician" means any person licensed to practice medicine
24 in all its branches under the Illinois Medical Practice Act of
25 1987.

26 "Sexual abuse" means any sexual conduct or sexual

1 penetration as defined in Section 11-0.1 ~~12-12~~ of the Criminal
2 Code of 1961 that is prohibited by the criminal laws of the
3 State of Illinois and committed against a minor by an adult
4 family member as defined in this Act.
5 (Source: P.A. 95-331, eff. 8-21-07.)

6 Section 1120. The Landlord and Tenant Act is amended by
7 changing Section 10 as follows:

8 (765 ILCS 705/10)

9 Sec. 10. Failure to inform lessor who is a child sex
10 offender and who resides in the same building in which the
11 lessee resides or intends to reside that the lessee is a parent
12 or guardian of a child under 18 years of age. If a lessor of
13 residential real estate resides at such real estate and is a
14 child sex offender as defined in Section 11-9.3 or 11-9.4 of
15 the Criminal Code of 1961 and rents such real estate to a
16 person who does not inform the lessor that the person is a
17 parent or guardian of a child or children under 18 years of age
18 and subsequent to such lease, the lessee discovers that the
19 landlord is a child sex offender, then the lessee may not
20 terminate the lease based upon such discovery that the lessor
21 is a child sex offender and such lease shall be in full force
22 and effect. This subsection shall apply only to leases or other
23 rental arrangements entered into after the effective date of
24 this amendatory Act of the 95th General Assembly.

1 (Source: P.A. 95-820, eff. 1-1-09.)

2 Section 1125. The Illinois Securities Law of 1953 is
3 amended by changing Section 7a as follows:

4 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

5 Sec. 7a. (a) Except as provided in subsection (b) of this
6 Section, no securities, issued by an issuer engaged in or
7 deriving revenues from the conduct of any business or
8 profession, the conduct of which would violate Section 11-14,
9 11-14.3, 11-14.4 as described in subdivision (a)(1), (a)(2), or
10 (a)(3) or that involves soliciting for a juvenile prostitute,
11 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal
12 Code of 1961, as now or hereafter amended, if conducted in this
13 State, shall be sold or registered pursuant to Section 5, 6 or
14 7 of this Act nor sold pursuant to the provisions of Section 3
15 or 4 of this Act.

16 (b) Notwithstanding the provisions of subsection (a)
17 hereof, such securities issued prior to the effective date of
18 this amendatory Act of 1989 may be sold by a resident of this
19 State in transactions which qualify for an exemption from the
20 registration requirements of this Act pursuant to subsection A
21 of Section 4 of this Act.

22 (Source: P.A. 86-526.)

23 Section 1130. The Victims' Economic Security and Safety Act

1 is amended by changing Section 10 as follows:

2 (820 ILCS 180/10)

3 Sec. 10. Definitions. In this Act, except as otherwise
4 expressly provided:

5 (1) "Commerce" includes trade, traffic, commerce,
6 transportation, or communication; and "industry or
7 activity affecting commerce" means any activity, business,
8 or industry in commerce or in which a labor dispute would
9 hinder or obstruct commerce or the free flow of commerce,
10 and includes "commerce" and any "industry affecting
11 commerce".

12 (2) "Course of conduct" means a course of repeatedly
13 maintaining a visual or physical proximity to a person or
14 conveying oral or written threats, including threats
15 conveyed through electronic communications, or threats
16 implied by conduct.

17 (3) "Department" means the Department of Labor.

18 (4) "Director" means the Director of Labor.

19 (5) "Domestic or sexual violence" means domestic
20 violence, sexual assault, or stalking.

21 (6) "Domestic violence" means abuse, as defined in
22 Section 103 of the Illinois Domestic Violence Act of 1986,
23 by a family or household member, as defined in Section 103
24 of the Illinois Domestic Violence Act of 1986.

25 (7) "Electronic communications" includes

1 communications via telephone, mobile phone, computer,
2 e-mail, video recorder, fax machine, telex, or pager, or
3 any other electronic communication, as defined in Section
4 12-7.5 of the Criminal Code of 1961.

5 (8) "Employ" includes to suffer or permit to work.

6 (9) Employee.

7 (A) In general. "Employee" means any person
8 employed by an employer.

9 (B) Basis. "Employee" includes a person employed
10 as described in subparagraph (A) on a full or part-time
11 basis, or as a participant in a work assignment as a
12 condition of receipt of federal or State income-based
13 public assistance.

14 (10) "Employer" means any of the following: (A) the
15 State or any agency of the State; (B) any unit of local
16 government or school district; or (C) any person that
17 employs at least 15 employees.

18 (11) "Employment benefits" means all benefits provided
19 or made available to employees by an employer, including
20 group life insurance, health insurance, disability
21 insurance, sick leave, annual leave, educational benefits,
22 pensions, and profit-sharing, regardless of whether such
23 benefits are provided by a practice or written policy of an
24 employer or through an "employee benefit plan". "Employee
25 benefit plan" or "plan" means an employee welfare benefit
26 plan or an employee pension benefit plan or a plan which is

1 both an employee welfare benefit plan and an employee
2 pension benefit plan.

3 (12) "Family or household member", for employees with a
4 family or household member who is a victim of domestic or
5 sexual violence, means a spouse, parent, son, daughter,
6 other person related by blood or by present or prior
7 marriage, other person who shares a relationship through a
8 son or daughter, and persons jointly residing in the same
9 household.

10 (13) "Parent" means the biological parent of an
11 employee or an individual who stood in loco parentis to an
12 employee when the employee was a son or daughter. "Son or
13 daughter" means a biological, adopted, or foster child, a
14 stepchild, a legal ward, or a child of a person standing in
15 loco parentis, who is under 18 years of age, or is 18 years
16 of age or older and incapable of self-care because of a
17 mental or physical disability.

18 (14) "Perpetrator" means an individual who commits or
19 is alleged to have committed any act or threat of domestic
20 or sexual violence.

21 (15) "Person" means an individual, partnership,
22 association, corporation, business trust, legal
23 representative, or any organized group of persons.

24 (16) "Public agency" means the Government of the State
25 or political subdivision thereof; any agency of the State,
26 or of a political subdivision of the State; or any

1 governmental agency.

2 (17) "Public assistance" includes cash, food stamps,
3 medical assistance, housing assistance, and other benefits
4 provided on the basis of income by a public agency or
5 public employer.

6 (18) "Reduced work schedule" means a work schedule that
7 reduces the usual number of hours per workweek, or hours
8 per workday, of an employee.

9 (19) "Repeatedly" means on 2 or more occasions.

10 (20) "Sexual assault" means any conduct proscribed by
11 the Criminal Code of 1961 in Sections 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,
13 and 12-16.

14 (21) "Stalking" means any conduct proscribed by the
15 Criminal Code of 1961 in Sections 12-7.3, 12-7.4, and
16 12-7.5.

17 (22) "Victim" or "survivor" means an individual who has
18 been subjected to domestic or sexual violence.

19 (23) "Victim services organization" means a nonprofit,
20 nongovernmental organization that provides assistance to
21 victims of domestic or sexual violence or to advocates for
22 such victims, including a rape crisis center, an
23 organization carrying out a domestic violence program, an
24 organization operating a shelter or providing counseling
25 services, or a legal services organization or other
26 organization providing assistance through the legal

1 process.

2 (Source: P.A. 96-635, eff. 8-24-09.)

3 Article 5.

4 Section 5-5. The Criminal Code of 1961 is amended: by
5 adding the headings of Subdivisions 1, 5, 10, 15, 20, 25, 30,
6 and 35 of Article 17; by adding Sections 17-0.5, 17-3.5,
7 17-5.7, 17-6.3, 17-6.5, 17-8.5, 17-10.3, 17-10.5, 17-10.6,
8 17-10.7, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, 17-37,
9 17-38, 17-39, 17-40, 17-41, 17-42, 17-43, 17-44, 17-45, 17-46,
10 17-47, 17-48, 17-49, 17-49.5, 17-55, 17-61, and 17-62; by
11 changing the heading of Article 17 and changing Sections 17-1,
12 17-1b, 17-2, 17-3, 17-5, 17-5.5, 17-6, 17-9, 17-11, 17-11.2,
13 17-13, 17-17, 17-20, 17-21, 17-24, 17-26, and 17-27; and by
14 changing and renumbering Sections 16-1.3, 16-22, 16C-2, 16D-3,
15 16D-4, 16D-5, 16D-5.5, 16D-6, 16D-7, 17-7, 17-16, 17-22, 17-28,
16 17-29, and 39-1 as follows:

17 (720 ILCS 5/Art. 17 heading)

18 ARTICLE 17. DECEPTION AND FRAUD

19 (720 ILCS 5/Art. 17, Subdiv. 1 heading new)

20 SUBDIVISION 1. GENERAL DEFINITIONS

21 (720 ILCS 5/17-0.5 new)

1 Sec. 17-0.5. Definitions. In this Article:

2 "Altered credit card or debit card" means any instrument or
3 device, whether known as a credit card or debit card, which has
4 been changed in any respect by addition or deletion of any
5 material, except for the signature by the person to whom the
6 card is issued.

7 "Cardholder" means the person or organization named on the
8 face of a credit card or debit card to whom or for whose
9 benefit the credit card or debit card is issued by an issuer.

10 "Computer" means a device that accepts, processes, stores,
11 retrieves, or outputs data and includes, but is not limited to,
12 auxiliary storage and telecommunications devices connected to
13 computers.

14 "Computer network" means a set of related, remotely
15 connected devices and any communications facilities including
16 more than one computer with the capability to transmit data
17 between them through the communications facilities.

18 "Computer program" or "program" means a series of coded
19 instructions or statements in a form acceptable to a computer
20 which causes the computer to process data and supply the
21 results of the data processing.

22 "Computer services" means computer time or services,
23 including data processing services, Internet services,
24 electronic mail services, electronic message services, or
25 information or data stored in connection therewith.

26 "Counterfeit" means to manufacture, produce or create, by

1 any means, a credit card or debit card without the purported
2 issuer's consent or authorization.

3 "Credit card" means any instrument or device, whether known
4 as a credit card, credit plate, charge plate or any other name,
5 issued with or without fee by an issuer for the use of the
6 cardholder in obtaining money, goods, services or anything else
7 of value on credit or in consideration or an undertaking or
8 guaranty by the issuer of the payment of a check drawn by the
9 cardholder.

10 "Data" means a representation in any form of information,
11 knowledge, facts, concepts, or instructions, including program
12 documentation, which is prepared or has been prepared in a
13 formalized manner and is stored or processed in or transmitted
14 by a computer or in a system or network. Data is considered
15 property and may be in any form, including, but not limited to,
16 printouts, magnetic or optical storage media, punch cards, or
17 data stored internally in the memory of the computer.

18 "Debit card" means any instrument or device, known by any
19 name, issued with or without fee by an issuer for the use of
20 the cardholder in obtaining money, goods, services, and
21 anything else of value, payment of which is made against funds
22 previously deposited by the cardholder. A debit card which also
23 can be used to obtain money, goods, services and anything else
24 of value on credit shall not be considered a debit card when it
25 is being used to obtain money, goods, services or anything else
26 of value on credit.

1 "Document" includes, but is not limited to, any document,
2 representation, or image produced manually, electronically, or
3 by computer.

4 "Electronic fund transfer terminal" means any machine or
5 device that, when properly activated, will perform any of the
6 following services:

7 (1) Dispense money as a debit to the cardholder's
8 account; or

9 (2) Print the cardholder's account balances on a
10 statement; or

11 (3) Transfer funds between a cardholder's accounts; or

12 (4) Accept payments on a cardholder's loan; or

13 (5) Dispense cash advances on an open end credit or a
14 revolving charge agreement; or

15 (6) Accept deposits to a customer's account; or

16 (7) Receive inquiries of verification of checks and
17 dispense information that verifies that funds are
18 available to cover such checks; or

19 (8) Cause money to be transferred electronically from a
20 cardholder's account to an account held by any business,
21 firm, retail merchant, corporation, or any other
22 organization.

23 "Electronic funds transfer system", hereafter referred to
24 as "EFT System", means that system whereby funds are
25 transferred electronically from a cardholder's account to any
26 other account.

1 "Electronic mail service provider" means any person who (i)
2 is an intermediary in sending or receiving electronic mail and
3 (ii) provides to end-users of electronic mail services the
4 ability to send or receive electronic mail.

5 "Expired credit card or debit card" means a credit card or
6 debit card which is no longer valid because the term on it has
7 elapsed.

8 "False academic degree" means a certificate, diploma,
9 transcript, or other document purporting to be issued by an
10 institution of higher learning or purporting to indicate that a
11 person has completed an organized academic program of study at
12 an institution of higher learning when the person has not
13 completed the organized academic program of study indicated on
14 the certificate, diploma, transcript, or other document.

15 "False claim" means any statement made to any insurer,
16 purported insurer, servicing corporation, insurance broker, or
17 insurance agent, or any agent or employee of one of those
18 entities, and made as part of, or in support of, a claim for
19 payment or other benefit under a policy of insurance, or as
20 part of, or in support of, an application for the issuance of,
21 or the rating of, any insurance policy, when the statement does
22 any of the following:

23 (1) Contains any false, incomplete, or misleading
24 information concerning any fact or thing material to the
25 claim.

26 (2) Conceals (i) the occurrence of an event that is

1 material to any person's initial or continued right or
2 entitlement to any insurance benefit or payment or (ii) the
3 amount of any benefit or payment to which the person is
4 entitled.

5 "Financial institution" means any bank, savings and loan
6 association, credit union, or other depository of money or
7 medium of savings and collective investment.

8 "Governmental entity" means: each officer, board,
9 commission, and agency created by the Constitution, whether in
10 the executive, legislative, or judicial branch of State
11 government; each officer, department, board, commission,
12 agency, institution, authority, university, and body politic
13 and corporate of the State; each administrative unit or
14 corporate outgrowth of State government that is created by or
15 pursuant to statute, including units of local government and
16 their officers, school districts, and boards of election
17 commissioners; and each administrative unit or corporate
18 outgrowth of the foregoing items and as may be created by
19 executive order of the Governor.

20 "Incomplete credit card or debit card" means a credit card
21 or debit card which is missing part of the matter other than
22 the signature of the cardholder which an issuer requires to
23 appear on the credit card or debit card before it can be used
24 by a cardholder, and this includes credit cards or debit cards
25 which have not been stamped, embossed, imprinted or written on.

26 "Institution of higher learning" means a public or private

1 college, university, or community college located in the State
2 of Illinois that is authorized by the Board of Higher Education
3 or the Illinois Community College Board to issue post-secondary
4 degrees, or a public or private college, university, or
5 community college located anywhere in the United States that is
6 or has been legally constituted to offer degrees and
7 instruction in its state of origin or incorporation.

8 "Insurance company" means "company" as defined under
9 Section 2 of the Illinois Insurance Code.

10 "Issuer" means the business organization or financial
11 institution which issues a credit card or debit card, or its
12 duly authorized agent.

13 "Merchant" has the meaning ascribed to it in Section
14 16A-2.4 of this Code.

15 "Person" means any individual, corporation, government,
16 governmental subdivision or agency, business trust, estate,
17 trust, partnership or association or any other entity.

18 "Receives" or "receiving" means acquiring possession or
19 control.

20 "Record of charge form" means any document submitted or
21 intended to be submitted to an issuer as evidence of a credit
22 transaction for which the issuer has agreed to reimburse
23 persons providing money, goods, property, services or other
24 things of value.

25 "Revoked credit card or debit card" means a credit card or
26 debit card which is no longer valid because permission to use

1 it has been suspended or terminated by the issuer.

2 "Sale" means any delivery for value.

3 "Scheme or artifice to defraud" includes a scheme or
4 artifice to deprive another of the intangible right to honest
5 services.

6 "Self-insured entity" means any person, business,
7 partnership, corporation, or organization that sets aside
8 funds to meet his, her, or its losses or to absorb fluctuations
9 in the amount of loss, the losses being charged against the
10 funds set aside or accumulated.

11 "Social networking website" means an Internet website
12 containing profile web pages of the members of the website that
13 include the names or nicknames of such members, photographs
14 placed on the profile web pages by such members, or any other
15 personal or personally identifying information about such
16 members and links to other profile web pages on social
17 networking websites of friends or associates of such members
18 that can be accessed by other members or visitors to the
19 website. A social networking website provides members of or
20 visitors to such website the ability to leave messages or
21 comments on the profile web page that are visible to all or
22 some visitors to the profile web page and may also include a
23 form of electronic mail for members of the social networking
24 website.

25 "Statement" means any assertion, oral, written, or
26 otherwise, and includes, but is not limited to: any notice,

1 letter, or memorandum; proof of loss; bill of lading; receipt
2 for payment; invoice, account, or other financial statement;
3 estimate of property damage; bill for services; diagnosis or
4 prognosis; prescription; hospital, medical, or dental chart or
5 other record, x-ray, photograph, videotape, or movie film; test
6 result; other evidence of loss, injury, or expense;
7 computer-generated document; and data in any form.

8 "Universal Price Code Label" means a unique symbol that
9 consists of a machine-readable code and human-readable
10 numbers.

11 "With intent to defraud" means to act knowingly, and with
12 the specific intent to deceive or cheat, for the purpose of
13 causing financial loss to another or bringing some financial
14 gain to oneself, regardless of whether any person was actually
15 defrauded or deceived. This includes an intent to cause another
16 to assume, create, transfer, alter, or terminate any right,
17 obligation, or power with reference to any person or property.

18 (720 ILCS 5/Art. 17, Subdiv. 5 heading new)

19 SUBDIVISION 5. DECEPTION

20 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

21 Sec. 17-1. Deceptive practices.

22 ~~(A) Definitions.~~

23 ~~As used in this Section:~~

24 ~~(i) "Financial institution" means any bank, savings~~

1 ~~and loan association, credit union, or other depository of~~
2 ~~money, or medium of savings and collective investment.~~

3 ~~(ii) An "account holder" is any person having a~~
4 ~~checking account or savings account in a financial~~
5 ~~institution.~~

6 ~~(iii) To act with the "intent to defraud" means to act~~
7 ~~wilfully, and with the specific intent to deceive or cheat,~~
8 ~~for the purpose of causing financial loss to another, or to~~
9 ~~bring some financial gain to oneself. It is not necessary~~
10 ~~to establish that any person was actually defrauded or~~
11 ~~deceived.~~

12 (A) ~~(B)~~ General deception ~~Deception~~.

13 A person commits a deceptive practice when, with intent to
14 defraud, the person does any of the following:

15 (1) ~~(a)~~ He or she knowingly causes another, by
16 deception or threat, to execute a document disposing of
17 property or a document by which a pecuniary obligation is
18 incurred.

19 (2) ~~(b)~~ Being an officer, manager or other person
20 participating in the direction of a financial institution,
21 he or she knowingly receives or permits the receipt of a
22 deposit or other investment, knowing that the institution
23 is insolvent.

24 (3) ~~(c)~~ He or she knowingly makes ~~or directs another to~~
25 ~~make~~ a false or deceptive statement addressed to the public

1 for the purpose of promoting the sale of property or
2 services.

3 (B) Bad checks.

4 A person commits a deceptive practice when:

5 (1) ~~(d)~~ With intent to obtain control over property or
6 to pay for property, labor or services of another, or in
7 satisfaction of an obligation for payment of tax under the
8 Retailers' Occupation Tax Act or any other tax due to the
9 State of Illinois, he or she issues or delivers a check or
10 other order upon a real or fictitious depository for the
11 payment of money, knowing that it will not be paid by the
12 depository. The trier of fact may infer that the defendant
13 knows that the check or other order will not be paid by the
14 depository and that the defendant has acted with intent to
15 defraud when the defendant fails ~~Failure~~ to have sufficient
16 funds or credit with the depository when the check or other
17 order is issued or delivered, or when such check or other
18 order is presented for payment and dishonored on each of 2
19 occasions at least 7 days apart, ~~is prima facie evidence~~
20 ~~that the offender knows that it will not be paid by the~~
21 ~~depository, and that he or she has the intent to defraud.~~
22 In this paragraph (B) (1) ~~(d)~~, "property" includes rental
23 property (real or personal).

24 (2) ~~(e)~~ He or she issues or delivers a check or other
25 order upon a real or fictitious depository in an amount

1 exceeding \$150 in payment of an amount owed on any credit
2 transaction for property, labor or services, or in payment
3 of the entire amount owed on any credit transaction for
4 property, labor or services, knowing that it will not be
5 paid by the depository, and thereafter fails to provide
6 funds or credit with the depository in the face amount of
7 the check or order within 7 days of receiving actual notice
8 from the depository or payee of the dishonor of the check
9 or order.

10 ~~Sentence.~~

11 ~~A person convicted of a deceptive practice under paragraph~~
12 ~~(a), (b), (c), (d), or (e) of this subsection (B), except as~~
13 ~~otherwise provided by this Section, is guilty of a Class A~~
14 ~~misdemeanor.~~

15 ~~A person convicted of a deceptive practice in violation of~~
16 ~~paragraph (d) a second or subsequent time shall be guilty of a~~
17 ~~Class 4 felony.~~

18 ~~A person convicted of deceptive practices in violation of~~
19 ~~paragraph (a) or (d), when the value of the property so~~
20 ~~obtained, in a single transaction, or in separate transactions~~
21 ~~within a 90 day period, exceeds \$150, shall be guilty of a~~
22 ~~Class 4 felony. In the case of a prosecution for separate~~
23 ~~transactions totaling more than \$150 within a 90 day period,~~
24 ~~such separate transactions shall be alleged in a single charge~~
25 ~~and provided in a single prosecution.~~

1 (C) Bank-related fraud ~~Deception on a Bank or Other Financial~~
2 ~~Institution.~~

3 (1) False statement ~~Statements.~~

4 A person commits false statement bank fraud if he or she
5 ~~Any person who~~, with ~~the~~ intent to defraud, makes or causes to
6 be made any false statement in writing in order to obtain an
7 account with a bank or other financial institution, or to
8 obtain credit from a bank or other financial institution, or to
9 obtain services from a currency exchange, knowing such writing
10 to be false, and with the intent that it be relied upon, ~~is~~
11 ~~guilty of a Class A misdemeanor.~~

12 For purposes of this subsection (C), a false statement
13 means ~~shall mean~~ any false statement representing identity,
14 address, or employment, or the identity, address, or employment
15 of any person, firm, or corporation.

16 (2) Possession of stolen or fraudulently obtained checks
17 ~~Stolen or Fraudulently Obtained Checks.~~

18 A person commits possession of stolen or fraudulently
19 obtained checks when he or she ~~Any person who~~ possesses, with
20 the intent to obtain access to funds of another person held in
21 a real or fictitious deposit account at a financial
22 institution, makes a false statement or a misrepresentation to
23 the financial institution, or possesses, transfers,
24 negotiates, or presents for payment a check, draft, or other
25 item purported to direct the financial institution to withdraw
26 or pay funds out of the account holder's deposit account with

1 knowledge that such possession, transfer, negotiation, or
2 presentment is not authorized by the account holder or the
3 issuing financial institution ~~is guilty of a Class A~~
4 ~~misdemeanor~~. A person shall be deemed to have been authorized
5 to possess, transfer, negotiate, or present for payment such
6 item if the person was otherwise entitled by law to withdraw or
7 recover funds from the account in question and followed the
8 requisite procedures under the law. If ~~In the event that~~ the
9 account holder, upon discovery of the withdrawal or payment,
10 claims that the withdrawal or payment was not authorized, the
11 financial institution may require the account holder to submit
12 an affidavit to that effect on a form satisfactory to the
13 financial institution before the financial institution may be
14 required to credit the account in an amount equal to the amount
15 or amounts that were withdrawn or paid without authorization.

16 ~~Any person who, within any 12 month period, violates this~~
17 ~~Section with respect to 3 or more checks or orders for the~~
18 ~~payment of money at the same time or consecutively, each the~~
19 ~~property of a different account holder or financial~~
20 ~~institution, is guilty of a Class 4 felony.~~

21 (3) Possession of implements of check fraud ~~Implements of~~
22 ~~Check Fraud~~.

23 A person commits possession of implements of check fraud
24 when he or she ~~Any person who~~ possesses, with the intent to
25 defraud and without the authority of the account holder or
26 financial institution, any check imprinter, signature

1 imprinter, or "certified" stamp ~~is guilty of a Class A~~
2 ~~misdemeanor.~~

3 (D) Sentence.

4 (1) The commission of a deceptive practice in violation
5 of this Section, except as otherwise provided by this
6 subsection (D), is a Class A misdemeanor.

7 (2) For purposes of paragraphs (A) (1) and (B) (1):

8 (a) The commission of a deceptive practice in
9 violation of paragraph (A) (1) or (B) (1), when the value
10 of the property so obtained, in a single transaction or
11 in separate transactions within a 90-day period,
12 exceeds \$150, is a Class 4 felony. In the case of a
13 prosecution for separate transactions totaling more
14 than \$150 within a 90-day period, those separate
15 transactions shall be alleged in a single charge and
16 prosecuted in a single prosecution.

17 (b) The commission of a deceptive practice in
18 violation of paragraph (B) (1) a second or subsequent
19 time is a Class 4 felony.

20 (3) For purposes of paragraph (C) (2), a person who,
21 within any 12-month period, violates paragraph (C) (2) with
22 respect to 3 or more checks or orders for the payment of
23 money at the same time or consecutively, each the property
24 of a different account holder or financial institution, is
25 guilty of a Class 4 felony.

1 (4) For purposes of paragraph (C)(3), a person who
2 within any 12-month period violates paragraph (C)(3) as to
3 possession of 3 or more such devices at the same time or
4 consecutively is guilty of a Class 4 felony.

5 (E) Civil liability. A person who issues a check or order
6 to a payee in violation of paragraph (B)(1) and who fails to
7 pay the amount of the check or order to the payee within 30
8 days following either delivery and acceptance by the addressee
9 of a written demand both by certified mail and by first class
10 mail to the person's last known address or attempted delivery
11 of a written demand sent both by certified mail and by first
12 class mail to the person's last known address and the demand by
13 certified mail is returned to the sender with a notation that
14 delivery was refused or unclaimed shall be liable to the payee
15 or a person subrogated to the rights of the payee for, in
16 addition to the amount owing upon such check or order, damages
17 of treble the amount so owing, but in no case less than \$100
18 nor more than \$1,500, plus attorney's fees and court costs. An
19 action under this subsection (E) may be brought in small claims
20 court or in any other appropriate court. As part of the written
21 demand required by this subsection (E), the plaintiff shall
22 provide written notice to the defendant of the fact that prior
23 to the hearing of any action under this subsection (E), the
24 defendant may tender to the plaintiff and the plaintiff shall
25 accept, as satisfaction of the claim, an amount of money equal

1 to the sum of the amount of the check and the incurred court
2 costs, including the cost of service of process, and attorney's
3 fees.

4 ~~A person who within any 12 month period violates this~~
5 ~~subsection (C) as to possession of 3 or more such devices at~~
6 ~~the same time or consecutively, is guilty of a Class 4 felony.~~

7 ~~(4) Possession of Identification Card.~~

8 ~~Any person who, with the intent to defraud, possesses any~~
9 ~~check guarantee card or key card or identification card for~~
10 ~~cash dispensing machines without the authority of the account~~
11 ~~holder or financial institution is guilty of a Class A~~
12 ~~misdemeanor.~~

13 ~~A person who, within any 12 month period, violates this~~
14 ~~Section at the same time or consecutively with respect to 3 or~~
15 ~~more cards, each the property of different account holders, is~~
16 ~~guilty of a Class 4 felony.~~

17 ~~A person convicted under this Section, when the value of~~
18 ~~property so obtained, in a single transaction, or in separate~~
19 ~~transactions within any 90 day period, exceeds \$150 shall be~~
20 ~~guilty of a Class 4 felony.~~

21 (Source: P.A. 96-1432, eff. 1-1-11.)

22 (720 ILCS 5/17-1b)

23 Sec. 17-1b. State's Attorney's bad check diversion
24 program.

25 (a) In this Section:

1 "Offender" means a person charged with, or for whom
2 probable cause exists to charge the person with, deceptive
3 practices.

4 "Pretrial diversion" means the decision of a prosecutor to
5 refer an offender to a diversion program on condition that the
6 criminal charges against the offender will be dismissed after a
7 specified period of time, or the case will not be charged, if
8 the offender successfully completes the program.

9 "Restitution" means all amounts payable to a victim of
10 deceptive practices under the bad check diversion program
11 created under this Section, including the amount of the check
12 and any transaction fees payable to a victim as set forth in
13 subsection (g) but does not include amounts recoverable under
14 Section 3-806 of the Uniform Commercial Code and subsection (E)
15 of Section 17-1 ~~17-1a~~ of this Code.

16 (b) A State's Attorney may create within his or her office
17 a bad check diversion program for offenders who agree to
18 voluntarily participate in the program instead of undergoing
19 prosecution. The program may be conducted by the State's
20 Attorney or by a private entity under contract with the State's
21 Attorney. If the State's Attorney contracts with a private
22 entity to perform any services in operating the program, the
23 entity shall operate under the supervision, direction, and
24 control of the State's Attorney. Any private entity providing
25 services under this Section is not a "collection agency" as
26 that term is defined under the Collection Agency Act.

1 (c) If an offender is referred to the State's Attorney, the
2 State's Attorney may determine whether the offender is
3 appropriate for acceptance in the program. The State's Attorney
4 may consider, but shall not be limited to consideration of, the
5 following factors:

6 (1) the amount of the check that was drawn or passed;

7 (2) prior referrals of the offender to the program;

8 (3) whether other charges of deceptive practices are
9 pending against the offender;

10 (4) the evidence presented to the State's Attorney
11 regarding the facts and circumstances of the incident;

12 (5) the offender's criminal history; and

13 (6) the reason the check was dishonored by the
14 financial institution.

15 (d) The bad check diversion program may require an offender
16 to do one or more of the following:

17 (i) pay for, at his or her own expense, and
18 successfully complete an educational class held by the
19 State's Attorney or a private entity under contract with
20 the State's Attorney;

21 (ii) make full restitution for the offense;

22 (iii) pay a per-check administrative fee as set forth
23 in this Section.

24 (e) If an offender is diverted to the program, the State's
25 Attorney shall agree in writing not to prosecute the offender
26 upon the offender's successful completion of the program

1 conditions. The State's Attorney's agreement to divert the
2 offender shall specify the offenses that will not be prosecuted
3 by identifying the checks involved in the transactions.

4 (f) The State's Attorney, or private entity under contract
5 with the State's Attorney, may collect a fee from an offender
6 diverted to the State's Attorney's bad check diversion program.
7 This fee may be deposited in a bank account maintained by the
8 State's Attorney for the purpose of depositing fees and paying
9 the expenses of the program or for use in the enforcement and
10 prosecution of criminal laws. The State's Attorney may require
11 that the fee be paid directly to a private entity that
12 administers the program under a contract with the State's
13 Attorney. The amount of the administrative fees collected by
14 the State's Attorney under the program may not exceed \$35 per
15 check. The county board may, however, by ordinance, increase
16 the fees allowed by this Section if the increase is justified
17 by an acceptable cost study showing that the fees allowed by
18 this Section are not sufficient to cover the cost of providing
19 the service.

20 (g) (1) The private entity shall be required to maintain
21 adequate general liability insurance of \$1,000,000 per
22 occurrence as well as adequate coverage for potential loss
23 resulting from employee dishonesty. The State's Attorney
24 may require a surety bond payable to the State's Attorney
25 if in the State's Attorney's opinion it is determined that
26 the private entity is not adequately insured or funded.

1 (2) (A) Each private entity that has a contract with
2 the State's Attorney to conduct a bad check diversion
3 program shall at all times maintain a separate bank
4 account in which all moneys received from the offenders
5 participating in the program shall be deposited,
6 referred to as a "trust account" ~~"Trust Account"~~,
7 except that negotiable instruments received may be
8 forwarded directly to a victim of the deceptive
9 practice committed by the offender if that procedure is
10 provided for by a writing executed by the victim.
11 Moneys received shall be so deposited within 5 business
12 days after posting to the private entity's books of
13 account. There shall be sufficient funds in the trust
14 account at all times to pay the victims the amount due
15 them.

16 (B) The trust account shall be established in a
17 financial institution ~~bank, savings and loan~~
18 ~~association, or other recognized depository~~ which is
19 federally or State insured or otherwise secured as
20 defined by rule. If the account is interest bearing,
21 the private entity shall pay to the victim interest
22 earned on funds on deposit after the 60th day.

23 (C) Each private entity shall keep on file the name
24 of the financial institution ~~bank, savings and loan~~
25 ~~association, or other recognized depository~~ in which
26 each trust account is maintained, the name of each

1 trust account, and the names of the persons authorized
2 to withdraw funds from each account. The private
3 entity, within 30 days of the time of a change of
4 depository or person authorized to make withdrawal,
5 shall update its files to reflect that change. An
6 examination and audit of a private entity's trust
7 accounts may be made by the State's Attorney as the
8 State's Attorney deems appropriate. A trust account
9 financial report shall be submitted annually on forms
10 acceptable to the State's Attorney.

11 (3) The State's Attorney may cancel a contract entered
12 into with a private entity under this Section for any one
13 or any combination of the following causes:

14 (A) Conviction of the private entity or the
15 principals of the private entity of any crime under the
16 laws of any U.S. jurisdiction which is a felony, a
17 misdemeanor an essential element of which is
18 dishonesty, or of any crime which directly relates to
19 the practice of the profession.

20 (B) A determination that the private entity has
21 engaged in conduct prohibited in item (4).

22 (4) The State's Attorney may determine whether the
23 private entity has engaged in the following prohibited
24 conduct:

25 (A) Using or threatening to use force or violence
26 to cause physical harm to an offender, his or her

1 family, or his or her property.

2 (B) Threatening the seizure, attachment, or sale
3 of an offender's property where such action can only be
4 taken pursuant to court order without disclosing that
5 prior court proceedings are required.

6 (C) Disclosing or threatening to disclose
7 information adversely affecting an offender's
8 reputation for creditworthiness with knowledge the
9 information is false.

10 (D) Initiating or threatening to initiate
11 communication with an offender's employer unless there
12 has been a default of the payment of the obligation for
13 at least 30 days and at least 5 days prior written
14 notice, to the last known address of the offender, of
15 the intention to communicate with the employer has been
16 given to the employee, except as expressly permitted by
17 law or court order.

18 (E) Communicating with the offender or any member
19 of the offender's family at such a time of day or night
20 and with such frequency as to constitute harassment of
21 the offender or any member of the offender's family.
22 For purposes of this clause (E) the following conduct
23 shall constitute harassment:

24 (i) Communicating with the offender or any
25 member of his or her family at any unusual time or
26 place or a time or place known or which should be

1 known to be inconvenient to the offender. In the
2 absence of knowledge of circumstances to the
3 contrary, a private entity shall assume that the
4 convenient time for communicating with a consumer
5 is after 8 o'clock a.m. and before 9 o'clock p.m.
6 local time at the offender's residence.

7 (ii) The threat of publication or publication
8 of a list of offenders who allegedly refuse to pay
9 restitution, except by the State's Attorney.

10 (iii) The threat of advertisement or
11 advertisement for sale of any restitution to
12 coerce payment of the restitution.

13 (iv) Causing a telephone to ring or engaging
14 any person in telephone conversation repeatedly or
15 continuously with intent to annoy, abuse, or
16 harass any person at the called number.

17 (v) Using profane, obscene or abusive language
18 in communicating with an offender, his or her
19 family, or others.

20 (vi) Disclosing or threatening to disclose
21 information relating to a offender's case to any
22 other person except the victim and appropriate law
23 enforcement personnel.

24 (vii) Disclosing or threatening to disclose
25 information concerning the alleged criminal act
26 which the private entity knows to be reasonably

1 disputed by the offender without disclosing the
2 fact that the offender disputes the accusation.

3 (viii) Engaging in any conduct which the
4 State's Attorney finds was intended to cause and
5 did cause mental or physical illness to the
6 offender or his or her family.

7 (ix) Attempting or threatening to enforce a
8 right or remedy with knowledge or reason to know
9 that the right or remedy does not exist.

10 (x) Except as authorized by the State's
11 Attorney, using any form of communication which
12 simulates legal or judicial process or which gives
13 the appearance of being authorized, issued or
14 approved by a governmental agency or official or by
15 an attorney at law when it is not.

16 (xi) Using any badge, uniform, or other
17 indicia of any governmental agency or official,
18 except as authorized by law or by the State's
19 Attorney.

20 (xii) Except as authorized by the State's
21 Attorney, conducting business under any name or in
22 any manner which suggests or implies that the
23 private entity is bonded if such private entity is
24 or is a branch of or is affiliated with any
25 governmental agency or court if such private
26 entity is not.

1 (xiii) Misrepresenting the amount of the
2 restitution alleged to be owed.

3 (xiv) Except as authorized by the State's
4 Attorney, representing that an existing
5 restitution amount may be increased by the
6 addition of attorney's fees, investigation fees,
7 or any other fees or charges when those fees or
8 charges may not legally be added to the existing
9 restitution.

10 (xv) Except as authorized by the State's
11 Attorney, representing that the private entity is
12 an attorney at law or an agent for an attorney if
13 the entity is not.

14 (xvi) Collecting or attempting to collect any
15 interest or other charge or fee in excess of the
16 actual restitution or claim unless the interest or
17 other charge or fee is expressly authorized by the
18 State's Attorney, who shall determine what
19 constitutes a reasonable collection fee.

20 (xvii) Communicating or threatening to
21 communicate with an offender when the private
22 entity is informed in writing by an attorney that
23 the attorney represents the offender concerning
24 the claim, unless authorized by the attorney. If
25 the attorney fails to respond within a reasonable
26 period of time, the private entity may communicate

1 with the offender. The private entity may
2 communicate with the offender when the attorney
3 gives his consent.

4 (xviii) Engaging in dishonorable, unethical,
5 or unprofessional conduct of a character likely to
6 deceive, defraud, or harm the public.

7 (5) The State's Attorney shall audit the accounts of
8 the bad check diversion program after notice in writing to
9 the private entity.

10 (6) Any information obtained by a private entity that
11 has a contract with the State's Attorney to conduct a bad
12 check diversion program is confidential information
13 between the State's Attorney and the private entity and may
14 not be sold or used for any other purpose but may be shared
15 with other authorized law enforcement agencies as
16 determined by the State's Attorney.

17 (h) The State's Attorney, or private entity under contract
18 with the State's Attorney, shall recover, in addition to the
19 face amount of the dishonored check or draft, a transaction fee
20 to defray the costs and expenses incurred by a victim who
21 received a dishonored check that was made or delivered by the
22 offender. The face amount of the dishonored check or draft and
23 the transaction fee shall be paid by the State's Attorney or
24 private entity under contract with the State's Attorney to the
25 victim as restitution for the offense. The amount of the
26 transaction fee must not exceed: \$25 if the face amount of the

1 check or draft does not exceed \$100; \$30 if the face amount of
2 the check or draft is greater than \$100 but does not exceed
3 \$250; \$35 if the face amount of the check or draft is greater
4 than \$250 but does not exceed \$500; \$40 if the face amount of
5 the check or draft is greater than \$500 but does not exceed
6 \$1,000; and \$50 if the face amount of the check or draft is
7 greater than \$1,000.

8 (i) The offender, if aggrieved by an action of the private
9 entity contracted to operate a bad check diversion program, may
10 submit a grievance to the State's Attorney who may then resolve
11 the grievance. The private entity must give notice to the
12 offender that the grievance procedure is available. The
13 grievance procedure shall be established by the State's
14 Attorney.

15 (Source: P.A. 95-41, eff. 1-1-08.)

16 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

17 Sec. 17-2. False personation; ~~use of title; solicitation;~~
18 ~~certain entities.~~

19 (a) False personation; solicitation.

20 (1) A person commits a false personation when he or she
21 knowingly and falsely represents himself or herself to be a
22 member or representative of any veterans' or public safety
23 personnel organization or a representative of any
24 charitable organization, or when he or she knowingly ~~any~~
25 ~~person~~ exhibits or uses in any manner any decal, badge or

1 insignia of any charitable, public safety personnel, or
2 veterans' organization when not authorized to do so by the
3 charitable, public safety personnel, or veterans'
4 organization. "Public safety personnel organization" has
5 the meaning ascribed to that term in Section 1 of the
6 Solicitation for Charity Act.

7 (2) ~~(a-5)~~ A person commits a false personation when he
8 or she knowingly and falsely represents himself or herself
9 to be a veteran in seeking employment or public office. In
10 this paragraph ~~subsection~~, "veteran" means a person who has
11 served in the Armed Services or Reserve Forces of the
12 United States.

13 ~~(a-6) A person commits a false personation when he or she~~
14 ~~falsely represents himself or herself to be a recipient of, or~~
15 ~~wears on his or her person, any of the following medals if that~~
16 ~~medal was not awarded to that person by the United States~~
17 ~~government, irrespective of branch of service: the~~
18 ~~Congressional Medal of Honor, the Distinguished Service Cross,~~
19 ~~the Navy Cross, the Air Force Cross, the Silver Star, the~~
20 ~~Bronze Star, or the Purple Heart.~~

21 ~~It is a defense to a prosecution under this subsection~~
22 ~~(a-6) that the medal is used, or is intended to be used,~~
23 ~~exclusively:~~

24 ~~(1) for a dramatic presentation, such as a theatrical,~~
25 ~~film, or television production, or a historical~~
26 ~~re enactment; or~~

1 ~~(2) for a costume worn, or intended to be worn, by a~~
2 ~~person under 18 years of age.~~

3 (3) ~~(b)~~ No person shall knowingly use the words
4 "Chicago Police", "Chicago Police Department", "Chicago
5 Patrolman", "Chicago Sergeant", "Chicago Lieutenant",
6 "Chicago Peace Officer", "Sheriff's Police", "Sheriff",
7 "Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy
8 Sheriff", "State Police", or any other words to the same
9 effect (i) in the title of any organization, magazine, or
10 other publication without the express approval of the named
11 public safety personnel organization's governing board or
12 (ii) in combination with the name of any state, state
13 agency, public university, or unit of local government
14 without the express written authorization of that state,
15 state agency, public university, or unit of local
16 government Chicago Police Board.

17 ~~(b 5) No person shall use the words "Cook County Sheriff's~~
18 ~~Police" or "Cook County Sheriff" or any other words to the same~~
19 ~~effect in the title of any organization, magazine, or other~~
20 ~~publication without the express approval of the office of the~~
21 ~~Cook County Sheriff's Merit Board. The references to names and~~
22 ~~titles in this Section may not be construed as authorizing use~~
23 ~~of the names and titles of other organizations or public safety~~
24 ~~personnel organizations otherwise prohibited by this Section~~
25 ~~or the Solicitation for Charity Act.~~

26 ~~(b 10) No person may use, in the title of any organization,~~

1 ~~magazine, or other publication, the words "officer", "peace~~
2 ~~officer", "police", "law enforcement", "trooper", "sheriff",~~
3 ~~"deputy", "deputy sheriff", or "state police" in combination~~
4 ~~with the name of any state, state agency, public university, or~~
5 ~~unit of local government without the express written~~
6 ~~authorization of that state, state agency, or unit of local~~
7 ~~government.~~

8 ~~(e) (Blank).~~

9 (4) ~~(e-1)~~ No person may knowingly claim or represent
10 that he or she is acting on behalf of any public safety
11 personnel organization ~~police department, chief of a~~
12 ~~police department, fire department, chief of a fire~~
13 ~~department, sheriff's department, or sheriff~~ when
14 soliciting financial contributions or selling or
15 delivering or offering to sell or deliver any merchandise,
16 goods, services, memberships, or advertisements unless the
17 chief of the police department, fire department, and the
18 corporate or municipal authority thereof, or the sheriff
19 has first entered into a written agreement with the person
20 or with an organization with which the person is affiliated
21 and the agreement permits the activity and specifies and
22 states clearly and fully the purpose for which the proceeds
23 of the solicitation, contribution, or sale will be used.

24 (5) ~~(e-2)~~ No person, when soliciting financial
25 contributions or selling or delivering or offering to sell
26 or deliver any merchandise, goods, services, memberships,

1 or advertisements may claim or represent that he or she is
2 representing or acting on behalf of any nongovernmental
3 organization by any name which includes "officer", "peace
4 officer", "police", "law enforcement", "trooper",
5 "sheriff", "deputy", "deputy sheriff", "State police", or
6 any other word or words which would reasonably be
7 understood to imply that the organization is composed of
8 law enforcement personnel unless:

9 (A) the person is actually representing or acting
10 on behalf of the nongovernmental organization; ~~and~~

11 (B) the nongovernmental organization is controlled
12 by and governed by a membership of and represents a
13 group or association of active duty peace officers,
14 retired peace officers, or injured peace officers; and

15 (C) before commencing the solicitation or the sale
16 or the offers to sell any merchandise, goods, services,
17 memberships, or advertisements, a written contract
18 between the soliciting or selling person and the
19 nongovernmental organization, which specifies and
20 states clearly and fully the purposes for which the
21 proceeds of the solicitation, contribution, or sale
22 will be used, has been entered into.

23 ~~(c-3) No person may solicit financial contributions or sell~~
24 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
25 ~~services, memberships, or advertisements on behalf of a police,~~
26 ~~sheriff, or other law enforcement department unless that person~~

1 ~~is actually representing or acting on behalf of the department~~
2 ~~or governmental organization and has entered into a written~~
3 ~~contract with the police chief, or head of the law enforcement~~
4 ~~department, and the corporate or municipal authority thereof,~~
5 ~~or the sheriff, which specifies and states clearly and fully~~
6 ~~the purposes for which the proceeds of the solicitation,~~
7 ~~contribution, or sale will be used.~~

8 (6) ~~(e 4)~~ No person, when soliciting financial
9 contributions or selling or delivering or offering to sell
10 or deliver any merchandise, goods, services, memberships,
11 or advertisements, may knowingly claim or represent that he
12 or she is representing or acting on behalf of any
13 nongovernmental organization by any name which includes
14 the term "fireman", "fire fighter", "paramedic", or any
15 other word or words which would reasonably be understood to
16 imply that the organization is composed of fire fighter or
17 paramedic personnel unless:

18 (A) the person is actually representing or acting
19 on behalf of the nongovernmental organization; ~~and~~

20 (B) the nongovernmental organization is controlled
21 by and governed by a membership of and represents a
22 group or association of active duty, retired, or
23 injured fire fighters (for the purposes of this
24 Section, "fire fighter" has the meaning ascribed to
25 that term in Section 2 of the Illinois Fire Protection
26 Training Act) or active duty, retired, or injured

1 emergency medical technicians - ambulance, emergency
2 medical technicians - intermediate, emergency medical
3 technicians - paramedic, ambulance drivers, or other
4 medical assistance or first aid personnel;7 and

5 (C) before commencing the solicitation or the sale
6 or delivery or the offers to sell or deliver any
7 merchandise, goods, services, memberships, or
8 advertisements, the soliciting or selling person and
9 the nongovernmental organization have entered into a
10 written contract that specifies and states clearly and
11 fully the purposes for which the proceeds of the
12 solicitation, contribution, or sale will be used ~~a~~
13 ~~written contract between the soliciting or selling~~
14 ~~person and the nongovernmental organization has been~~
15 ~~entered into.~~

16 ~~(e 5) No person may solicit financial contributions or sell~~
17 ~~or deliver or offer to sell or deliver any merchandise, goods,~~
18 ~~services, memberships, or advertisements on behalf of a~~
19 ~~department or departments of fire fighters unless that person~~
20 ~~is actually representing or acting on behalf of the department~~
21 ~~or departments and has entered into a written contract with the~~
22 ~~department chief and corporate or municipal authority thereof~~
23 ~~which specifies and states clearly and fully the purposes for~~
24 ~~which the proceeds of the solicitation, contribution, or sale~~
25 ~~will be used.~~

26 (7) ~~(e 6)~~ No person may knowingly claim or represent

1 that he or she is an airman, airline employee, airport
2 employee, or contractor at an airport in order to obtain
3 the uniform, identification card, license, or other
4 identification paraphernalia of an airman, airline
5 employee, airport employee, or contractor at an airport.

6 (8) No person, firm, copartnership, or corporation
7 (except corporations organized and doing business under
8 the Pawners Societies Act) shall knowingly use a name that
9 contains in it the words "Pawners' Society".

10 (b) False personation; judicial process. A person commits a
11 false personation if he or she knowingly and falsely represents
12 himself or herself to be any of the following:

13 (1) An attorney authorized to practice law for purposes
14 of compensation or consideration. This paragraph (b) (1)
15 does not apply to a person who unintentionally fails to pay
16 attorney registration fees established by Supreme Court
17 Rule.

18 (2) A public officer or a public employee or an
19 official or employee of the federal government.

20 (2.3) A public officer, a public employee, or an
21 official or employee of the federal government, and the
22 false representation is made in furtherance of the
23 commission of felony.

24 (2.7) A public officer or a public employee, and the
25 false representation is for the purpose of effectuating
26 identity theft as defined in Section 16G-15 of this Code.

1 (3) A peace officer.

2 (4) A peace officer while carrying a deadly weapon.

3 (5) A peace officer in attempting or committing a
4 felony.

5 (6) A peace officer in attempting or committing a
6 forcible felony.

7 (7) The parent, legal guardian, or other relation of a
8 minor child to any public official, public employee, or
9 elementary or secondary school employee or administrator.

10 (8) A fire fighter.

11 (9) A fire fighter while carrying a deadly weapon.

12 (10) A fire fighter in attempting or committing a
13 felony.

14 (11) An emergency management worker of any
15 jurisdiction in this State.

16 (12) An emergency management worker of any
17 jurisdiction in this State in attempting or committing a
18 felony. For the purposes of this subsection (b), "emergency
19 management worker" has the meaning provided under Section
20 2-6.6 of this Code.

21 (c) Fraudulent advertisement of a corporate name.

22 (1) A company, association, or individual commits
23 fraudulent advertisement of a corporate name if he, she, or
24 it, not being incorporated, puts forth a sign or
25 advertisement and assumes, for the purpose of soliciting
26 business, a corporate name.

1 (2) Nothing contained in this subsection (c) prohibits
2 a corporation, company, association, or person from using a
3 divisional designation or trade name in conjunction with
4 its corporate name or assumed name under Section 4.05 of
5 the Business Corporation Act of 1983 or, if it is a member
6 of a partnership or joint venture, from doing partnership
7 or joint venture business under the partnership or joint
8 venture name. The name under which the joint venture or
9 partnership does business may differ from the names of the
10 members. Business may not be conducted or transacted under
11 that joint venture or partnership name, however, unless all
12 provisions of the Assumed Business Name Act have been
13 complied with. Nothing in this subsection (c) permits a
14 foreign corporation to do business in this State without
15 complying with all Illinois laws regulating the doing of
16 business by foreign corporations. No foreign corporation
17 may conduct or transact business in this State as a member
18 of a partnership or joint venture that violates any
19 Illinois law regulating or pertaining to the doing of
20 business by foreign corporations in Illinois.

21 (3) The provisions of this subsection (c) do not apply
22 to limited partnerships formed under the Revised Uniform
23 Limited Partnership Act or under the Uniform Limited
24 Partnership Act (2001).

25 (d) False law enforcement badges.

26 (1) A person commits false law enforcement badges if he

1 or she knowingly produces, sells, or distributes a law
2 enforcement badge without the express written consent of
3 the law enforcement agency represented on the badge or, in
4 case of a reorganized or defunct law enforcement agency,
5 its successor law enforcement agency.

6 (2) It is a defense to false law enforcement badges
7 that the law enforcement badge is used or is intended to be
8 used exclusively: (i) as a memento or in a collection or
9 exhibit; (ii) for decorative purposes; or (iii) for a
10 dramatic presentation, such as a theatrical, film, or
11 television production.

12 (e) False medals.

13 (1) A person commits a false personation if he or she
14 knowingly and falsely represents himself or herself to be a
15 recipient of, or wears on his or her person, any of the
16 following medals if that medal was not awarded to that
17 person by the United States Government, irrespective of
18 branch of service: The Congressional Medal of Honor, The
19 Distinguished Service Cross, The Navy Cross, The Air Force
20 Cross, The Silver Star, The Bronze Star, or the Purple
21 Heart.

22 (2) It is a defense to a prosecution under paragraph
23 (e)(1) that the medal is used, or is intended to be used,
24 exclusively:

25 (A) for a dramatic presentation, such as a
26 theatrical, film, or television production, or a

1 historical re-enactment; or

2 (B) for a costume worn, or intended to be worn, by
3 a person under 18 years of age.

4 (f) Sentence.

5 (1) A violation of paragraph (a) (8) is a petty offense
6 subject to a fine of not less than \$5 nor more than \$100,
7 and the person, firm, copartnership, or corporation
8 commits an additional petty offense for each day he, she,
9 or it continues to commit the violation. A violation of
10 paragraph (c) (1) is a petty offense, and the company,
11 association, or person commits an additional petty offense
12 for each day he, she, or it continues to commit the
13 violation. A violation of subsection (e) is a petty offense
14 for which the offender shall be fined at least \$100 and not
15 more than \$200.

16 (2) A violation of paragraph (a) (1) or (a) (3) is a
17 Class C misdemeanor.

18 (3) A violation of paragraph (a) (2), (a) (7), (b) (2), or
19 (b) (7) or subsection (d) is a Class A misdemeanor. A second
20 or subsequent violation of subsection (d) is a Class 3
21 felony.

22 (4) A violation of paragraph (a) (4), (a) (5), (a) (6),
23 (b) (1), (b) (2.3), (b) (2.7), (b) (3), (b) (8), or (b) (11) is a
24 Class 4 felony.

25 (5) A violation of paragraph (b) (4), (b) (9), or (b) (12)
26 is a Class 3 felony.

1 (6) A violation of paragraph (b) (5) or (b) (10) is a
2 Class 2 felony.

3 (7) A violation of paragraph (b) (6) is a Class 1
4 felony.

5 ~~(d) Sentence. False personation, unapproved use of a name~~
6 ~~or title, or solicitation in violation of subsection (a), (b),~~
7 ~~(b 5), or (b 10) of this Section is a Class C misdemeanor.~~
8 ~~False personation in violation of subsections (a 5) and (c 6)~~
9 ~~is a Class A misdemeanor. False personation in violation of~~
10 ~~subsection (a 6) of this Section is a petty offense for which~~
11 ~~the offender shall be fined at least \$100 and not exceeding~~
12 ~~\$200. Engaging in any activity in violation of subsection~~
13 ~~(c 1), (c 2), (c 3), (c 4), or (c 5) of this Section is a Class~~
14 ~~4 felony.~~

15 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

16 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

17 Sec. 17-3. Forgery.

18 (a) A person commits forgery when, with intent to defraud,
19 he or she knowingly:

20 (1) makes or alters any document apparently capable of
21 defrauding another in such manner that it purports to have
22 been made by another or at another time, or with different
23 provisions, or by authority of one who did not give such
24 authority; or

25 (2) issues or delivers such document knowing it to have

1 been thus made or altered; or

2 (3) possesses, with intent to issue or deliver, any
3 such document knowing it to have been thus made or altered;
4 or

5 (4) unlawfully uses the digital signature, as defined
6 in the Financial Institutions Electronic Documents and
7 Digital Signature Act, of another; or

8 (5) unlawfully uses the signature device of another to
9 create an electronic signature of that other person, as
10 those terms are defined in the Electronic Commerce Security
11 Act.

12 (b) (Blank). ~~An intent to defraud means an intention to~~
13 ~~cause another to assume, create, transfer, alter or terminate~~
14 ~~any right, obligation or power with reference to any person or~~
15 ~~property. As used in this Section, "document" includes, but is~~
16 ~~not limited to, any document, representation, or image produced~~
17 ~~manually, electronically, or by computer.~~

18 (c) A document apparently capable of defrauding another
19 includes, but is not limited to, one by which any right,
20 obligation or power with reference to any person or property
21 may be created, transferred, altered or terminated. A document
22 includes any record or electronic record as those terms are
23 defined in the Electronic Commerce Security Act. For purposes
24 of this Section, a document also includes a Universal Price
25 Code Label or coin.

26 (d) Sentence.

1 (1) Except as provided in paragraphs (2) and (3),
2 forgery ~~Forgery~~ is a Class 3 felony.

3 (2) Forgery is a Class 4 felony when only one Universal
4 Price Code Label is forged.

5 (3) Forgery is a Class A misdemeanor when an academic
6 degree or coin is forged.

7 (e) It is not a violation of this Section if a false
8 academic degree explicitly states "for novelty purposes only".

9 (Source: P.A. 94-458, eff. 8-4-05.)

10 (720 ILCS 5/17-3.5 new)

11 Sec. 17-3.5. Deceptive sale of gold or silver.

12 (a) Whoever makes for sale, or sells, or offers to sell or
13 dispose of, or has in his or her possession with intent to sell
14 or dispose of, any article or articles construed in whole or in
15 part, of gold or any alloy or imitation thereof, having thereon
16 or on any box, package, cover, wrapper or other thing enclosing
17 or encasing such article or articles for sale, any stamp,
18 brand, engraving, printed label, trade mark, imprint or other
19 mark, indicating or designed, or intended to indicate, that the
20 gold, alloy or imitation thereof, in such article or articles,
21 is different from or better than the actual kind and quality of
22 such gold, alloy or imitation, shall be guilty of a petty
23 offense and shall be fined in any sum not less than \$50 nor
24 more than \$100.

25 (b) Whoever makes for sale, sells or offers to sell or

1 dispose of or has in his or her possession, with intent to sell
2 or dispose of, any article or articles constructed in whole or
3 in part of silver or any alloy or imitation thereof, having
4 thereon--or on any box, package, cover, wrapper or other thing
5 enclosing or encasing such article or articles for sale--any
6 stamp, brand, engraving, printed label, trademark, imprint or
7 other mark, containing the words "sterling" or "sterling
8 silver," referring, or designed or intended to refer, to the
9 silver, alloy or imitation thereof in such article or articles,
10 when such silver, alloy or imitation thereof shall contain less
11 than nine hundred and twenty-five one-thousandths thereof of
12 pure silver, shall be guilty of a petty offense and shall be
13 fined in any sum not less than \$50 nor more than \$100.

14 (c) Whoever makes for sale, sells or offers to sell or
15 dispose of or has in his or her possession, with intent to sell
16 or dispose of, any article or articles constructed in whole or
17 in part of silver or any alloy or imitation thereof, having
18 thereon--or on any box, package, cover, wrapper or other thing
19 enclosing or encasing such article or articles for sale--any
20 stamp, brand, engraving, printed label, trademark, imprint, or
21 other mark, containing the words "coin" or "coin silver,"
22 referring to or designed or intended to refer to, the silver,
23 alloy or imitation thereof, in such article or articles, when
24 such silver, alloy or imitation shall contain less than
25 nine-tenths thereof pure silver, shall be guilty of a petty
26 offense and shall be fined in any sum not less than \$50 and not

1 more than \$100.

2 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

3 Sec. 17-5. Deceptive collection practices.

4 A collection agency as defined in the "Collection Agency
5 Act" or any employee of such collection agency commits a
6 deceptive collection practice when, with the intent to collect
7 a debt owed to an individual or a ~~a person,~~ corporation, or
8 other entity, he, she, or it does any of the following:

9 (a) Represents ~~represents~~ falsely that he or she is an
10 attorney, a policeman, a sheriff or deputy sheriff, a bailiff,
11 a county clerk or employee of a county clerk's office, or any
12 other person who by statute is authorized to enforce the law or
13 any order of a court. ~~or~~

14 (b) While ~~while~~ attempting to collect an alleged debt,
15 misrepresents to the alleged debtor or to his or her immediate
16 family the corporate, partnership or proprietary name or other
17 trade or business name under which the debt collector is
18 engaging in debt collections and which he, she, or it is
19 legally authorized to use. ~~or~~

20 (c) While ~~while~~ attempting to collect an alleged debt, adds
21 to the debt any service charge, interest or penalty which he,
22 she, or it is not entitled by law to add. ~~or~~

23 (d) Threatens ~~threatens~~ to ruin, destroy, or otherwise
24 adversely affect an alleged debtor's credit rating unless, at
25 the same time, a disclosure is made in accordance with federal

1 law that the alleged debtor has a right to inspect his or her
2 credit rating. ~~or~~

3 (e) Accepts ~~accepts~~ from an alleged debtor a payment which
4 he, she, or it knows is not owed.

5 Sentence. The commission of a deceptive collection
6 practice is a Business Offense punishable by a fine not to
7 exceed \$3,000.

8 (Source: P.A. 78-1248.)

9 (720 ILCS 5/17-5.5)

10 Sec. 17-5.5. Unlawful attempt to collect compensated debt
11 against a crime victim.

12 ~~(a) As used in this Section, "crime victim" means a victim~~
13 ~~of a violent crime or applicant as defined in the Crime Victims~~
14 ~~Compensation Act.~~

15 ~~"Compensated debt" means a debt incurred by or on behalf of~~
16 ~~a crime victim and approved for payment by the Court of Claims~~
17 ~~under the Crime Victims Compensation Act.~~

18 (a) ~~(b)~~ A person or a vendor commits ~~the offense of~~
19 unlawful attempt to collect a compensated debt against a crime
20 victim when, with intent to collect funds for a debt incurred
21 by or on behalf of a crime victim, which debt has been approved
22 for payment by the Court of Claims under the Crime Victims
23 Compensation Act, but the funds are involuntarily withheld from
24 the person or vendor by the Comptroller by virtue of an
25 outstanding obligation owed by the person or vendor to the

1 State under the Uncollected State Claims Act, the person or
2 vendor:

3 (1) communicates with, harasses, or intimidates the
4 crime victim for payment;

5 (2) contacts or distributes information to affect the
6 compensated crime victim's credit rating as a result of the
7 compensated debt; or

8 (3) takes any other action adverse to the crime victim
9 or his or her family on account of the compensated debt.

10 (b) Sentence. ~~(c)~~ Unlawful attempt to collect a compensated
11 debt against a crime victim is a Class A misdemeanor.

12 (c) ~~(d)~~ Nothing in this Code Act prevents the attempt to
13 collect an uncompensated debt or an uncompensated portion of a
14 compensated debt incurred by or on behalf of a crime victim and
15 not covered under the Crime Victims Compensation Act.

16 (d) As used in this Section, "crime victim" means a victim
17 of a violent crime or applicant as defined in the Crime Victims
18 Compensation Act. "Compensated debt" means a debt incurred by
19 or on behalf of a crime victim and approved for payment by the
20 Court of Claims under the Crime Victims Compensation Act.

21 (Source: P.A. 92-286, eff. 1-1-02.)

22 (720 ILCS 5/17-5.7 new)

23 Sec. 17-5.7. Deceptive advertising.

24 (a) Any person, firm, corporation or association or agent
25 or employee thereof, who, with intent to sell, purchase, or in

1 any wise dispose of, or to contract with reference to
2 merchandise, securities, real estate, service, employment,
3 money, credit or anything offered by such person, firm,
4 corporation or association, or agent or employee thereof,
5 directly or indirectly, to the public for sale, purchase, loan,
6 distribution, or the hire of personal services, or with intent
7 to increase the consumption of or to contract with reference to
8 any merchandise, real estate, securities, money, credit, loan,
9 service or employment, or to induce the public in any manner to
10 enter into any obligation relating thereto, or to acquire title
11 thereto, or an interest therein, or to make any loan, makes,
12 publishes, disseminates, circulates, or places before the
13 public, or causes, directly or indirectly, to be made,
14 published, disseminated, circulated, or placed before the
15 public, in this State, in a newspaper, magazine, or other
16 publication, or in the form of a book, notice, handbill,
17 poster, sign, bill, circular, pamphlet, letter, placard, card,
18 label, or over any radio or television station, or in any other
19 way similar or dissimilar to the foregoing, an advertisement,
20 announcement, or statement of any sort regarding merchandise,
21 securities, real estate, money, credit, service, employment,
22 or anything so offered for use, purchase, loan or sale, or the
23 interest, terms or conditions upon which such loan will be made
24 to the public, which advertisement contains any assertion,
25 representation or statement of fact which is untrue, misleading
26 or deceptive, shall be guilty of a Class A misdemeanor.

1 (b) Any person, firm or corporation offering for sale
2 merchandise, commodities or service by making, publishing,
3 disseminating, circulating or placing before the public within
4 this State in any manner an advertisement of merchandise,
5 commodities, or service, with the intent, design or purpose not
6 to sell the merchandise, commodities, or service so advertised
7 at the price stated therein, or otherwise communicated, or with
8 intent not to sell the merchandise, commodities, or service so
9 advertised, may be enjoined from such advertising upon
10 application for injunctive relief by the State's Attorney or
11 Attorney General, and shall also be guilty of a Class A
12 misdemeanor.

13 (c) Any person, firm or corporation who makes, publishes,
14 disseminates, circulates or places before the public, or
15 causes, directly or indirectly to be made, published,
16 disseminated, circulated or placed before the public, in this
17 State, in a newspaper, magazine or other publication published
18 in this State, or in the form of a book, notice, handbill,
19 poster, sign, bill, circular, pamphlet, letter, placard, card,
20 or label distributed in this State, or over any radio or
21 television station located in this State or in any other way in
22 this State similar or dissimilar to the foregoing, an
23 advertisement, announcement, statement or representation of
24 any kind to the public relating to the sale, offering for sale,
25 purchase, use or lease of any real estate in a subdivision
26 located outside the State of Illinois may be enjoined from such

1 activity upon application for injunctive relief by the State's
2 Attorney or Attorney General and shall also be guilty of a
3 Class A misdemeanor unless such advertisement, announcement,
4 statement or representation contains or is accompanied by a
5 clear, concise statement of the proximity of such real estate
6 in common units of measurement to public schools, public
7 highways, fresh water supply, public sewers, electric power,
8 stores and shops, and telephone service or contains a statement
9 that one or more of such facilities are not readily available,
10 and name those not available.

11 (d) Subsections (a), (b), and (c) do not apply to any
12 medium for the printing, publishing, or disseminating of
13 advertising, or any owner, agent or employee thereof, nor to
14 any advertising agency or owner, agent or employee thereof, nor
15 to any radio or television station, or owner, agent, or
16 employee thereof, for printing, publishing, or disseminating,
17 or causing to be printed, published, or disseminated, such
18 advertisement in good faith and without knowledge of the
19 deceptive character thereof.

20 (e) No person, firm or corporation owning or operating a
21 service station shall advertise or hold out or state to the
22 public the per gallon price of gasoline, upon any sign on the
23 premises of such station, unless such price includes all taxes,
24 and unless the price, as so advertised, corresponds with the
25 price appearing on the pump from which such gasoline is
26 dispensed. Also, the identity of the product must be included

1 with the price in any such advertisement, holding out or
2 statement to the public. Any person who violates this
3 subsection (e) shall be guilty of a petty offense.

4 (720 ILCS 5/Art. 17, Subdiv. 10 heading new)

5 SUBDIVISION 10. FRAUD ON A GOVERNMENTAL ENTITY

6 (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

7 Sec. 17-6. State benefits fraud ~~Benefits Fraud~~.

8 (a) ~~A~~ Any person commits State benefits fraud when he or
9 she ~~who~~ obtains or attempts to obtain money or benefits from
10 the State of Illinois, from any political subdivision thereof,
11 or from any program funded or administered in whole or in part
12 by the State of Illinois or any political subdivision thereof
13 through the knowing use of false identification documents or
14 through the knowing misrepresentation of his or her age, place
15 of residence, number of dependents, marital or family status,
16 employment status, financial status, or any other material fact
17 upon which his eligibility for or degree of participation in
18 any benefit program might be based, ~~is guilty of State benefits~~
19 ~~fraud~~.

20 (b) Notwithstanding any provision of State law to the
21 contrary, every application or other document submitted to an
22 agency or department of the State of Illinois or any political
23 subdivision thereof to establish or determine eligibility for
24 money or benefits from the State of Illinois or from any

1 political subdivision thereof, or from any program funded or
2 administered in whole or in part by the State of Illinois or
3 any political subdivision thereof, shall be made available upon
4 request to any law enforcement agency for use in the
5 investigation or prosecution of State benefits fraud or for use
6 in the investigation or prosecution of any other crime arising
7 out of the same transaction or occurrence. Except as otherwise
8 permitted by law, information disclosed pursuant to this
9 subsection shall be used and disclosed only for the purposes
10 provided herein. The provisions of this Section shall be
11 operative only to the extent that they do not conflict with any
12 federal law or regulation governing federal grants to this
13 State.

14 (c) Any employee of the State of Illinois or any agency or
15 political subdivision thereof may seize as evidence any false
16 or fraudulent document presented to him or her in connection
17 with an application for or receipt of money or benefits from
18 the State of Illinois, from any political subdivision thereof,
19 or from any program funded or administered in whole or in part
20 by the State of Illinois or any political subdivision thereof.

21 (d) Sentence.

22 (1) State benefits fraud is a Class 4 felony except when
23 more than \$300 is obtained, in which case State benefits fraud
24 is a Class 3 felony.

25 (2) ~~If State benefits fraud is a Class 3 felony when \$300~~
26 ~~or less is obtained and a Class 2 felony when more than \$300 is~~

1 ~~obtained if~~ a person knowingly misrepresents oneself as a
2 veteran or as a dependent of a veteran with the intent of
3 obtaining benefits or privileges provided by the State or its
4 political subdivisions to veterans or their dependents, then
5 State benefits fraud is a Class 3 felony when \$300 or less is
6 obtained and a Class 2 felony when more than \$300 is obtained.

7 For the purposes of this paragraph (2), benefits and privileges
8 include, but are not limited to, those benefits and privileges
9 available under the Veterans' Employment Act, the Viet Nam
10 Veterans Compensation Act, the Prisoner of War Bonus Act, the
11 War Bonus Extension Act, the Military Veterans Assistance Act,
12 the Veterans' Employment Representative Act, the Veterans
13 Preference Act, the Service Member's Employment Tenure Act, the
14 Disabled Veterans Housing Act, the Under Age Veterans Benefits
15 Act, the Survivors Compensation Act, the Children of Deceased
16 Veterans Act, the Veterans Burial Places Act, the Higher
17 Education Student Assistance Act, or any other loans,
18 assistance in employment, monetary payments, or tax exemptions
19 offered by the State or its political subdivisions for veterans
20 or their dependents.

21 (Source: P.A. 94-486, eff. 1-1-06.)

22 (720 ILCS 5/17-6.3 new)

23 Sec. 17-6.3. WIC fraud.

24 (a) For the purposes of this Section, the Special
25 Supplemental Food Program for Women, Infants and Children

1 administered by the Illinois Department of Public Health or
2 Department of Human Services shall be referred to as "WIC".

3 (b) A person commits WIC fraud if he or she knowingly (i)
4 uses, acquires, possesses, or transfers WIC Food Instruments or
5 authorizations to participate in WIC in any manner not
6 authorized by law or the rules of the Illinois Department of
7 Public Health or Department of Human Services or (ii) uses,
8 acquires, possesses, or transfers altered WIC Food Instruments
9 or authorizations to participate in WIC.

10 (c) Administrative malfeasance.

11 (1) A person commits administrative malfeasance if he
12 or she knowingly or recklessly misappropriates, misuses,
13 or unlawfully withholds or converts to his or her own use
14 or to the use of another any public funds made available
15 for WIC.

16 (2) An official or employee of the State or a unit of
17 local government who knowingly aids, abets, assists, or
18 participates in a known violation of this Section is
19 subject to disciplinary proceedings under the rules of the
20 applicable State agency or unit of local government.

21 (d) Unauthorized possession of identification document. A
22 person commits unauthorized possession of an identification
23 document if he or she knowingly possesses, with intent to
24 commit a misdemeanor or felony, another person's
25 identification document issued by the Illinois Department of
26 Public Health or Department of Human Services. For purposes of

1 this Section, "identification document" includes, but is not
2 limited to, an authorization to participate in WIC or a card or
3 other document that identifies a person as being entitled to
4 WIC benefits.

5 (e) Penalties.

6 (1) If an individual, firm, corporation, association,
7 agency, institution, or other legal entity is found by a
8 court to have engaged in an act, practice, or course of
9 conduct declared unlawful under subsection (a), (b), or (c)
10 of this Section and:

11 (A) the total amount of money involved in the
12 violation, including the monetary value of the WIC Food
13 Instruments and the value of commodities, is less than
14 \$150, the violation is a Class A misdemeanor; a second
15 or subsequent violation is a Class 4 felony;

16 (B) the total amount of money involved in the
17 violation, including the monetary value of the WIC Food
18 Instruments and the value of commodities, is \$150 or
19 more but less than \$1,000, the violation is a Class 4
20 felony; a second or subsequent violation is a Class 3
21 felony;

22 (C) the total amount of money involved in the
23 violation, including the monetary value of the WIC Food
24 Instruments and the value of commodities, is \$1,000 or
25 more but less than \$5,000, the violation is a Class 3
26 felony; a second or subsequent violation is a Class 2

1 felony;

2 (D) the total amount of money involved in the
3 violation, including the monetary value of the WIC Food
4 Instruments and the value of commodities, is \$5,000 or
5 more but less than \$10,000, the violation is a Class 2
6 felony; a second or subsequent violation is a Class 1
7 felony; or

8 (E) the total amount of money involved in the
9 violation, including the monetary value of the WIC Food
10 Instruments and the value of commodities, is \$10,000 or
11 more, the violation is a Class 1 felony and the
12 defendant shall be permanently ineligible to
13 participate in WIC.

14 (2) A violation of subsection (d) is a Class 4 felony.

15 (3) The State's Attorney of the county in which the
16 violation of this Section occurred or the Attorney General
17 shall bring actions arising under this Section in the name
18 of the People of the State of Illinois.

19 (4) For purposes of determining the classification of
20 an offense under this subsection (e), all of the money
21 received as a result of the unlawful act, practice, or
22 course of conduct, including the value of any WIC Food
23 Instruments and the value of commodities, shall be
24 aggregated.

25 (f) Seizure and forfeiture of property.

26 (1) A person who commits a felony violation of this

1 Section is subject to the property forfeiture provisions
2 set forth in Article 124B of the Code of Criminal Procedure
3 of 1963.

4 (2) Property subject to forfeiture under this
5 subsection (f) may be seized by the Director of State
6 Police or any local law enforcement agency upon process or
7 seizure warrant issued by any court having jurisdiction
8 over the property. The Director or a local law enforcement
9 agency may seize property under this subsection (f) without
10 process under any of the following circumstances:

11 (A) If the seizure is incident to inspection under
12 an administrative inspection warrant.

13 (B) If the property subject to seizure has been the
14 subject of a prior judgment in favor of the State in a
15 criminal proceeding or in an injunction or forfeiture
16 proceeding under Article 124B of the Code of Criminal
17 Procedure of 1963.

18 (C) If there is probable cause to believe that the
19 property is directly or indirectly dangerous to health
20 or safety.

21 (D) If there is probable cause to believe that the
22 property is subject to forfeiture under this
23 subsection (f) and Article 124B of the Code of Criminal
24 Procedure of 1963 and the property is seized under
25 circumstances in which a warrantless seizure or arrest
26 would be reasonable.

1 (E) In accordance with the Code of Criminal
2 Procedure of 1963.

3 (g) Future participation as WIC vendor. A person who has
4 been convicted of a felony violation of this Section is
5 prohibited from participating as a WIC vendor for a minimum
6 period of 3 years following conviction and until the total
7 amount of money involved in the violation, including the value
8 of WIC Food Instruments and the value of commodities, is repaid
9 to WIC. This prohibition shall extend to any person with
10 management responsibility in a firm, corporation, association,
11 agency, institution, or other legal entity that has been
12 convicted of a violation of this Section and to an officer or
13 person owning, directly or indirectly, 5% or more of the shares
14 of stock or other evidences of ownership in a corporate vendor.

15 (720 ILCS 5/17-6.5 new)

16 Sec. 17-6.5. Persons under deportation order;
17 ineligibility for benefits.

18 (a) An individual against whom a United States Immigration
19 Judge has issued an order of deportation which has been
20 affirmed by the Board of Immigration Review, as well as an
21 individual who appeals such an order pending appeal, under
22 paragraph 19 of Section 241(a) of the Immigration and
23 Nationality Act relating to persecution of others on account of
24 race, religion, national origin or political opinion under the
25 direction of or in association with the Nazi government of

1 Germany or its allies, shall be ineligible for the following
2 benefits authorized by State law:

3 (1) The homestead exemptions and homestead improvement
4 exemption under Sections 15-170, 15-175, 15-176, and
5 15-180 of the Property Tax Code.

6 (2) Grants under the Senior Citizens and Disabled
7 Persons Property Tax Relief and Pharmaceutical Assistance
8 Act.

9 (3) The double income tax exemption conferred upon
10 persons 65 years of age or older by Section 204 of the
11 Illinois Income Tax Act.

12 (4) Grants provided by the Department on Aging.

13 (5) Reductions in vehicle registration fees under
14 Section 3-806.3 of the Illinois Vehicle Code.

15 (6) Free fishing and reduced fishing license fees under
16 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

17 (7) Tuition free courses for senior citizens under the
18 Senior Citizen Courses Act.

19 (8) Any benefits under the Illinois Public Aid Code.

20 (b) If a person has been found by a court to have knowingly
21 received benefits in violation of subsection (a) and:

22 (1) the total monetary value of the benefits received
23 is less than \$150, the person is guilty of a Class A
24 misdemeanor; a second or subsequent violation is a Class 4
25 felony;

26 (2) the total monetary value of the benefits received

1 is \$150 or more but less than \$1,000, the person is guilty
2 of a Class 4 felony; a second or subsequent violation is a
3 Class 3 felony;

4 (3) the total monetary value of the benefits received
5 is \$1,000 or more but less than \$5,000, the person is
6 guilty of a Class 3 felony; a second or subsequent
7 violation is a Class 2 felony;

8 (4) the total monetary value of the benefits received
9 is \$5,000 or more but less than \$10,000, the person is
10 guilty of a Class 2 felony; a second or subsequent
11 violation is a Class 1 felony; or

12 (5) the total monetary value of the benefits received
13 is \$10,000 or more, the person is guilty of a Class 1
14 felony.

15 (c) For purposes of determining the classification of an
16 offense under this Section, all of the monetary value of the
17 benefits received as a result of the unlawful act, practice, or
18 course of conduct may be accumulated.

19 (d) Any grants awarded to persons described in subsection
20 (a) may be recovered by the State of Illinois in a civil action
21 commenced by the Attorney General in the circuit court of
22 Sangamon County or the State's Attorney of the county of
23 residence of the person described in subsection (a).

24 (e) An individual described in subsection (a) who has been
25 deported shall be restored to any benefits which that
26 individual has been denied under State law pursuant to

1 subsection (a) if (i) the Attorney General of the United States
2 has issued an order cancelling deportation and has adjusted the
3 status of the individual to that of an alien lawfully admitted
4 for permanent residence in the United States or (ii) the
5 country to which the individual has been deported adjudicates
6 or exonerates the individual in a judicial or administrative
7 proceeding as not being guilty of the persecution of others on
8 account of race, religion, national origin, or political
9 opinion under the direction of or in association with the Nazi
10 government of Germany or its allies.

11 (720 ILCS 5/17-8.3) (was 720 ILCS 5/17-22)

12 Sec. 17-8.3 ~~17-22~~. False information on an application for
13 employment with certain public or private agencies; use of
14 false academic degree.

15 (a) It is unlawful for an applicant for employment with a
16 public or private agency that provides State funded services to
17 persons with mental illness or developmental disabilities to
18 knowingly ~~wilfully~~ furnish false information regarding
19 professional certification, licensing, criminal background, or
20 employment history for the 5 years immediately preceding the
21 date of application on an application for employment with the
22 agency if the position of employment requires or provides
23 opportunity for contact with persons with mental illness or
24 developmental disabilities.

25 (b) It is unlawful for a person to knowingly use a false

1 academic degree for the purpose of obtaining employment or
2 admission to an institution of higher learning or admission to
3 an advanced degree program at an institution of higher learning
4 or for the purpose of obtaining a promotion or higher
5 compensation in employment.

6 (c) ~~(b)~~ Sentence. A violation of this Section is a Class A
7 misdemeanor.

8 (Source: P.A. 90-390, eff. 1-1-98.)

9 (720 ILCS 5/17-8.5 new)

10 Sec. 17-8.5. Fraud on a governmental entity.

11 (a) Fraud on a governmental entity. A person commits fraud
12 on a governmental entity when he or she knowingly obtains,
13 attempts to obtain, or causes to be obtained, by deception,
14 control over the property of any governmental entity by the
15 making of a false claim of bodily injury or of damage to or
16 loss or theft of property or by causing a false claim of bodily
17 injury or of damage to or loss or theft of property to be made
18 against the governmental entity, intending to deprive the
19 governmental entity permanently of the use and benefit of that
20 property.

21 (b) Aggravated fraud on a governmental entity. A person
22 commits aggravated fraud on a governmental entity when he or
23 she commits fraud on a governmental entity 3 or more times
24 within an 18-month period arising out of separate incidents or
25 transactions.

1 (c) Conspiracy to commit fraud on a governmental entity. If
2 aggravated fraud on a governmental entity forms the basis for a
3 charge of conspiracy under Section 8-2 of this Code against a
4 person, the person or persons with whom the accused is alleged
5 to have agreed to commit the 3 or more violations of this
6 Section need not be the same person or persons for each
7 violation, as long as the accused was a part of the common
8 scheme or plan to engage in each of the 3 or more alleged
9 violations.

10 (d) Organizer of an aggravated fraud on a governmental
11 entity conspiracy. A person commits being an organizer of an
12 aggravated fraud on a governmental entity conspiracy if
13 aggravated fraud on a governmental entity forms the basis for a
14 charge of conspiracy under Section 8-2 of this Code and the
15 person occupies a position of organizer, supervisor, financier,
16 or other position of management within the conspiracy.

17 For the purposes of this Section, the person or persons
18 with whom the accused is alleged to have agreed to commit the 3
19 or more violations of subdivision (a) (1) of Section 17-10.5 or
20 subsection (a) of Section 17-8.5 of this Code need not be the
21 same person or persons for each violation, as long as the
22 accused occupied a position of organizer, supervisor,
23 financier, or other position of management in each of the 3 or
24 more alleged violations.

25 Notwithstanding Section 8-5 of this Code, a person may be
26 convicted and sentenced both for the offense of being an

1 organizer of an aggravated fraud conspiracy and for any other
2 offense that is the object of the conspiracy.

3 (e) Sentence.

4 (1) A violation of subsection (a) in which the value of
5 the property obtained or attempted to be obtained is \$300
6 or less is a Class A misdemeanor.

7 (2) A violation of subsection (a) in which the value of
8 the property obtained or attempted to be obtained is more
9 than \$300 but not more than \$10,000 is a Class 3 felony.

10 (3) A violation of subsection (a) in which the value of
11 the property obtained or attempted to be obtained is more
12 than \$10,000 but not more than \$100,000 is a Class 2
13 felony.

14 (4) A violation of subsection (a) in which the value of
15 the property obtained or attempted to be obtained is more
16 than \$100,000 is a Class 1 felony.

17 (5) A violation of subsection (b) is a Class 1 felony,
18 regardless of the value of the property obtained, attempted
19 to be obtained, or caused to be obtained.

20 (6) The offense of being an organizer of an aggravated
21 fraud conspiracy is a Class X felony.

22 (7) Notwithstanding Section 8-5 of this Code, a person
23 may be convicted and sentenced both for the offense of
24 conspiracy to commit fraud and for any other offense that
25 is the object of the conspiracy.

26 (f) Civil damages for fraud on a governmental entity. A

1 person who knowingly obtains, attempts to obtain, or causes to
2 be obtained, by deception, control over the property of a
3 governmental entity by the making of a false claim of bodily
4 injury or of damage to or loss or theft of property, intending
5 to deprive the governmental entity permanently of the use and
6 benefit of that property, shall be civilly liable to the
7 governmental entity that paid the claim or against whom the
8 claim was made or to the subrogee of the governmental entity in
9 an amount equal to either 3 times the value of the property
10 wrongfully obtained or, if property was not wrongfully
11 obtained, twice the value of the property attempted to be
12 obtained, whichever amount is greater, plus reasonable
13 attorney's fees.

14 (g) Determination of property value. For the purposes of
15 this Section, if the exact value of the property attempted to
16 be obtained is either not alleged by the claimant or not
17 otherwise specifically set, the value of the property shall be
18 the fair market replacement value of the property claimed to be
19 lost, the reasonable costs of reimbursing a vendor or other
20 claimant for services to be rendered, or both.

21 (h) Actions by State licensing agencies.

22 (1) All State licensing agencies, the Illinois State
23 Police, and the Department of Financial and Professional
24 Regulation shall coordinate enforcement efforts relating
25 to acts of fraud on a governmental entity.

26 (2) If a person who is licensed or registered under the

1 laws of the State of Illinois to engage in a business or
2 profession is convicted of or pleads guilty to engaging in
3 an act of fraud on a governmental entity, the Illinois
4 State Police must forward to each State agency by which the
5 person is licensed or registered a copy of the conviction
6 or plea and all supporting evidence.

7 (3) Any agency that receives information under this
8 Section shall, not later than 6 months after the date on
9 which it receives the information, publicly report the
10 final action taken against the convicted person, including
11 but not limited to the revocation or suspension of the
12 license or any other disciplinary action taken.

13 (i) Definitions. For the purposes of this Section,
14 "obtain", "obtains control", "deception", "property", and
15 "permanent deprivation" have the meanings ascribed to those
16 terms in Article 15 of this Code.

17 (720 ILCS 5/17-9) (from Ch. 38, par. 17-9)

18 Sec. 17-9. Public aid wire and mail fraud.

19 (a) Whoever knowingly (i) makes or transmits any
20 communication by means of telephone, wire, radio, or television
21 or (ii) places any communication with the United States Postal
22 Service, or with any private or other mail, package, or
23 delivery service or system, such communication being made,
24 transmitted, placed, or received within the State of Illinois,
25 intending that such communication be made, or transmitted, or

1 delivered in furtherance of any plan, scheme, or design to
2 obtain, unlawfully, any benefit or payment under the ~~"The~~
3 ~~Illinois Public Aid Code"~~, ~~as amended~~, commits ~~the offense of~~
4 public aid wire and mail fraud.

5 (b) Whoever knowingly directs or causes any communication
6 to be (i) made or transmitted by means of telephone, wire,
7 radio, or television or (ii) placed with the United States
8 Postal Service, or with any private or other mail, package, or
9 delivery service or system, intending that such communication
10 be made, ~~or~~ transmitted, or delivered in furtherance of any
11 plan, scheme, or design to obtain, unlawfully, any benefit or
12 payment under the ~~"The Illinois Public Aid Code"~~, ~~as amended~~,
13 commits ~~the offense of~~ public aid wire and mail fraud.

14 (c) Sentence. A violation of this Section ~~Penalty. Public~~
15 ~~aid wire fraud~~ is a Class 4 felony.

16 (Source: P.A. 84-1255.)

17 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

18 Sec. 17-10.2 ~~17-29~~. Businesses owned by minorities,
19 females, and persons with disabilities; fraudulent contracts
20 with governmental units.

21 (a) In this Section:

22 "Minority person" means a person who is: (1) African
23 American (a person having origins in any of the black
24 racial groups in Africa); (2) Hispanic (a person of Spanish
25 or Portuguese culture with origins in Mexico, South or

1 Central America, or the Caribbean Islands, regardless of
2 race); (3) Asian American (a person having origins in any
3 of the original peoples of the Far East, Southeast Asia,
4 the Indian Subcontinent or the Pacific Islands); or (4)
5 Native American or Alaskan Native (a person having origins
6 in any of the original peoples of North America).

7 "Female" means a person who is of the female gender.

8 "Person with a disability" means a person who is a
9 person qualifying as being disabled.

10 "Disabled" means a severe physical or mental
11 disability that: (1) results from: amputation, arthritis,
12 autism, blindness, burn injury, cancer, cerebral palsy,
13 cystic fibrosis, deafness, head injury, heart disease,
14 hemiplegia, hemophilia, respiratory or pulmonary
15 dysfunction, mental retardation, mental illness, multiple
16 sclerosis, muscular dystrophy, musculoskeletal disorders,
17 neurological disorders, including stroke and epilepsy,
18 paraplegia, quadriplegia and other spinal cord conditions,
19 sickle cell anemia, specific learning disabilities, or end
20 stage renal failure disease; and (2) substantially limits
21 one or more of the person's major life activities.

22 "Minority owned business" means a business concern
23 that is at least 51% owned by one or more minority persons,
24 or in the case of a corporation, at least 51% of the stock
25 in which is owned by one or more minority persons; and the
26 management and daily business operations of which are

1 controlled by one or more of the minority individuals who
2 own it.

3 "Female owned business" means a business concern that
4 is at least 51% owned by one or more females, or, in the
5 case of a corporation, at least 51% of the stock in which
6 is owned by one or more females; and the management and
7 daily business operations of which are controlled by one or
8 more of the females who own it.

9 "Business owned by a person with a disability" means a
10 business concern that is at least 51% owned by one or more
11 persons with a disability and the management and daily
12 business operations of which are controlled by one or more
13 of the persons with disabilities who own it. A
14 not-for-profit agency for persons with disabilities that
15 is exempt from taxation under Section 501 of the Internal
16 Revenue Code of 1986 is also considered a "business owned
17 by a person with a disability".

18 "Governmental unit" means the State, a unit of local
19 government, or school district.

20 (b) In addition to any other penalties imposed by law or by
21 an ordinance or resolution of a unit of local government or
22 school district, any individual or entity that knowingly
23 obtains, or knowingly assists another to obtain, a contract
24 with a governmental unit, or a subcontract or written
25 commitment for a subcontract under a contract with a
26 governmental unit, by falsely representing that the individual

1 or entity, or the individual or entity assisted, is a minority
2 owned business, female owned business, or business owned by a
3 person with a disability is guilty of a Class 2 felony,
4 regardless of whether the preference for awarding the contract
5 to a minority owned business, female owned business, or
6 business owned by a person with a disability was established by
7 statute or by local ordinance or resolution.

8 (c) In addition to any other penalties authorized by law,
9 the court shall order that an individual or entity convicted of
10 a violation of this Section must pay to the governmental unit
11 that awarded the contract a penalty equal to one and one-half
12 times the amount of the contract obtained because of the false
13 representation.

14 (Source: P.A. 94-126, eff. 1-1-06; 94-863, eff. 6-16-06.)

15 (720 ILCS 5/17-10.3 new)

16 Sec. 17-10.3. Deception relating to certification of
17 disadvantaged business enterprises.

18 (a) Fraudulently obtaining or retaining certification. A
19 person who, in the course of business, fraudulently obtains or
20 retains certification as a minority owned business or female
21 owned business commits a Class 2 felony.

22 (b) Willfully making a false statement. A person who, in
23 the course of business, willfully makes a false statement
24 whether by affidavit, report or other representation, to an
25 official or employee of a State agency or the Minority and

1 Female Business Enterprise Council for the purpose of
2 influencing the certification or denial of certification of any
3 business entity as a minority owned business or female owned
4 business commits a Class 2 felony.

5 (c) Willfully obstructing or impeding an official or
6 employee of any agency in his or her investigation. Any person
7 who, in the course of business, willfully obstructs or impedes
8 an official or employee of any State agency or the Minority and
9 Female Business Enterprise Council who is investigating the
10 qualifications of a business entity which has requested
11 certification as a minority owned business or a female owned
12 business commits a Class 2 felony.

13 (d) Fraudulently obtaining public moneys reserved for
14 disadvantaged business enterprises. Any person who, in the
15 course of business, fraudulently obtains public moneys
16 reserved for, or allocated or available to minority owned
17 businesses or female owned businesses commits a Class 2 felony.

18 (e) Definitions. As used in this Article, "minority owned
19 business", "female owned business", "State agency" and
20 "certification" shall have the meanings ascribed to them in
21 Section 2 of the Business Enterprise for Minorities, Females,
22 and Persons with Disabilities Act.

23 (720 ILCS 5/Art. 17, Subdiv. 15 heading new)

24 SUBDIVISION 15. FRAUD ON A PRIVATE ENTITY

1 (720 ILCS 5/17-10.5 new)

2 Sec. 17-10.5. Insurance fraud.

3 (a) Insurance fraud.

4 (1) A person commits insurance fraud when he or she
5 knowingly obtains, attempts to obtain, or causes to be
6 obtained, by deception, control over the property of an
7 insurance company or self-insured entity by the making of a
8 false claim or by causing a false claim to be made on any
9 policy of insurance issued by an insurance company or by
10 the making of a false claim or by causing a false claim to
11 be made to a self-insured entity, intending to deprive an
12 insurance company or self-insured entity permanently of
13 the use and benefit of that property.

14 (2) A person commits health care benefits fraud against
15 a provider, other than a governmental unit or agency, when
16 he or she knowingly obtains or attempts to obtain, by
17 deception, health care benefits and that obtaining or
18 attempt to obtain health care benefits does not involve
19 control over property of the provider.

20 (b) Aggravated insurance fraud.

21 (1) A person commits aggravated insurance fraud on a
22 private entity when he or she commits insurance fraud 3 or
23 more times within an 18-month period arising out of
24 separate incidents or transactions.

25 (2) A person commits being an organizer of an
26 aggravated insurance fraud on a private entity conspiracy

1 if aggravated insurance fraud on a private entity forms the
2 basis for a charge of conspiracy under Section 8-2 of this
3 Code and the person occupies a position of organizer,
4 supervisor, financier, or other position of management
5 within the conspiracy.

6 (c) Conspiracy to commit insurance fraud. If aggravated
7 insurance fraud on a private entity forms the basis for charges
8 of conspiracy under Section 8-2 of this Code, the person or
9 persons with whom the accused is alleged to have agreed to
10 commit the 3 or more violations of this Section need not be the
11 same person or persons for each violation, as long as the
12 accused was a part of the common scheme or plan to engage in
13 each of the 3 or more alleged violations.

14 If aggravated insurance fraud on a private entity forms the
15 basis for a charge of conspiracy under Section 8-2 of this
16 Code, and the accused occupies a position of organizer,
17 supervisor, financier, or other position of management within
18 the conspiracy, the person or persons with whom the accused is
19 alleged to have agreed to commit the 3 or more violations of
20 this Section need not be the same person or persons for each
21 violation as long as the accused occupied a position of
22 organizer, supervisor, financier, or other position of
23 management in each of the 3 or more alleged violations.

24 (d) Sentence.

25 (1) A violation of paragraph (a)(1) in which the value
26 of the property obtained, attempted to be obtained, or

1 caused to be obtained is \$300 or less is a Class A
2 misdemeanor.

3 (2) A violation of paragraph (a)(1) in which the value
4 of the property obtained, attempted to be obtained, or
5 caused to be obtained is more than \$300 but not more than
6 \$10,000 is a Class 3 felony.

7 (3) A violation of paragraph (a)(1) in which the value
8 of the property obtained, attempted to be obtained, or
9 caused to be obtained is more than \$10,000 but not more
10 than \$100,000 is a Class 2 felony.

11 (4) A violation of paragraph (a)(1) in which the value
12 of the property obtained, attempted to be obtained, or
13 caused to be obtained is more than \$100,000 is a Class 1
14 felony.

15 (5) A violation of paragraph (a)(2) is a Class A
16 misdemeanor.

17 (6) A violation of paragraph (b)(1) is a Class 1
18 felony, regardless of the value of the property obtained,
19 attempted to be obtained, or caused to be obtained.

20 (7) A violation of paragraph (b)(2) is a Class X
21 felony.

22 (8) A person convicted of insurance fraud, vendor
23 fraud, or a federal criminal violation associated with
24 defrauding the Medicaid program shall be ordered to pay
25 monetary restitution to the insurance company or
26 self-insured entity or any other person for any financial

1 loss sustained as a result of a violation of this Section,
2 including any court costs and attorney's fees. An order of
3 restitution shall include expenses incurred and paid by the
4 State of Illinois or an insurance company or self-insured
5 entity in connection with any medical evaluation or
6 treatment services.

7 (9) Notwithstanding Section 8-5 of this Code, a person
8 may be convicted and sentenced both for the offense of
9 conspiracy to commit insurance fraud and for any other
10 offense that is the object of the conspiracy.

11 (e) Civil damages for insurance fraud.

12 (1) A person who knowingly obtains, attempts to obtain,
13 or causes to be obtained, by deception, control over the
14 property of any insurance company by the making of a false
15 claim or by causing a false claim to be made on a policy of
16 insurance issued by an insurance company, or by the making
17 of a false claim or by causing a false claim to be made to a
18 self-insured entity, intending to deprive an insurance
19 company or self-insured entity permanently of the use and
20 benefit of that property, shall be civilly liable to the
21 insurance company or self-insured entity that paid the
22 claim or against whom the claim was made or to the subrogee
23 of that insurance company or self-insured entity in an
24 amount equal to either 3 times the value of the property
25 wrongfully obtained or, if no property was wrongfully
26 obtained, twice the value of the property attempted to be

1 obtained, whichever amount is greater, plus reasonable
2 attorney's fees.

3 (2) An insurance company or self-insured entity that
4 brings an action against a person under paragraph (1) of
5 this subsection in bad faith shall be liable to that person
6 for twice the value of the property claimed, plus
7 reasonable attorney's fees. In determining whether an
8 insurance company or self-insured entity acted in bad
9 faith, the court shall relax the rules of evidence to allow
10 for the introduction of any facts or other information on
11 which the insurance company or self-insured entity may have
12 relied in bringing an action under paragraph (1) of this
13 subsection.

14 (f) Determination of property value. For the purposes of
15 this Section, if the exact value of the property attempted to
16 be obtained is either not alleged by the claimant or not
17 specifically set by the terms of a policy of insurance, the
18 value of the property shall be the fair market replacement
19 value of the property claimed to be lost, the reasonable costs
20 of reimbursing a vendor or other claimant for services to be
21 rendered, or both.

22 (g) Actions by State licensing agencies.

23 (1) All State licensing agencies, the Illinois State
24 Police, and the Department of Financial and Professional
25 Regulation shall coordinate enforcement efforts relating
26 to acts of insurance fraud.

1 (2) If a person who is licensed or registered under the
2 laws of the State of Illinois to engage in a business or
3 profession is convicted of or pleads guilty to engaging in
4 an act of insurance fraud, the Illinois State Police must
5 forward to each State agency by which the person is
6 licensed or registered a copy of the conviction or plea and
7 all supporting evidence.

8 (3) Any agency that receives information under this
9 Section shall, not later than 6 months after the date on
10 which it receives the information, publicly report the
11 final action taken against the convicted person, including
12 but not limited to the revocation or suspension of the
13 license or any other disciplinary action taken.

14 (h) Definitions. For the purposes of this Section,
15 "obtain", "obtains control", "deception", "property", and
16 "permanent deprivation" have the meanings ascribed to those
17 terms in Article 15 of this Code.

18 (720 ILCS 5/17-10.6 new)

19 Sec. 17-10.6. Financial institution fraud.

20 (a) Misappropriation of financial institution property. A
21 person commits misappropriation of a financial institution's
22 property whenever he or she knowingly obtains or exerts
23 unauthorized control over any of the moneys, funds, credits,
24 assets, securities, or other property owned by or under the
25 custody or control of a financial institution, or under the

1 custody or care of any agent, officer, director, or employee of
2 such financial institution.

3 (b) Commercial bribery of a financial institution.

4 (1) A person commits commercial bribery of a financial
5 institution when he or she knowingly confers or offers or
6 agrees to confer any benefit upon any employee, agent, or
7 fiduciary without the consent of the latter's employer or
8 principal, with the intent to influence his or her conduct
9 in relation to his or her employer's or principal's
10 affairs.

11 (2) An employee, agent, or fiduciary of a financial
12 institution commits commercial bribery of a financial
13 institution when, without the consent of his or her
14 employer or principal, he or she knowingly solicits,
15 accepts, or agrees to accept any benefit from another
16 person upon an agreement or understanding that such benefit
17 will influence his or her conduct in relation to his or her
18 employer's or principal's affairs.

19 (c) Financial institution fraud. A person commits
20 financial institution fraud when he or she knowingly executes
21 or attempts to execute a scheme or artifice:

22 (1) to defraud a financial institution; or

23 (2) to obtain any of the moneys, funds, credits,
24 assets, securities, or other property owned by or under the
25 custody or control of a financial institution, by means of
26 pretenses, representations, or promises he or she knows to

1 be false.

2 (d) Loan fraud. A person commits loan fraud when he or she
3 knowingly, with intent to defraud, makes any false statement or
4 report, or overvalues any land, property, or security, with the
5 intent to influence in any way the action of a financial
6 institution to act upon any application, advance, discount,
7 purchase, purchase agreement, repurchase agreement,
8 commitment, or loan, or any change or extension of any of the
9 same, by renewal, deferment of action, or otherwise, or the
10 acceptance, release, or substitution of security.

11 (e) Concealment of collateral. A person commits
12 concealment of collateral when he or she, with intent to
13 defraud, knowingly conceals, removes, disposes of, or converts
14 to the person's own use or to that of another any property
15 mortgaged or pledged to or held by a financial institution.

16 (f) Financial institution robbery. A person commits
17 robbery when he or she knowingly, by force or threat of force,
18 or by intimidation, takes, or attempts to take, from the person
19 or presence of another, or obtains or attempts to obtain by
20 extortion, any property or money or any other thing of value
21 belonging to, or in the care, custody, control, management, or
22 possession of, a financial institution.

23 (g) Conspiracy to commit a financial crime.

24 (1) A person commits conspiracy to commit a financial
25 crime when, with the intent that any violation of this
26 Section be committed, he or she agrees with another person

1 to the commission of that offense.

2 (2) No person may be convicted of conspiracy to commit
3 a financial crime unless an overt act or acts in
4 furtherance of the agreement is alleged and proved to have
5 been committed by that person or by a co-conspirator and
6 the accused is a part of a common scheme or plan to engage
7 in the unlawful activity.

8 (3) It shall not be a defense to conspiracy to commit a
9 financial crime that the person or persons with whom the
10 accused is alleged to have conspired:

11 (A) has not been prosecuted or convicted;

12 (B) has been convicted of a different offense;

13 (C) is not amenable to justice;

14 (D) has been acquitted; or

15 (E) lacked the capacity to commit the offense.

16 (h) Continuing financial crimes enterprise. A person
17 commits a continuing financial crimes enterprise when he or she
18 knowingly, within an 18-month period, commits 3 or more
19 separate offenses under this Section or, if involving a
20 financial institution, any other felony offenses under this
21 Code.

22 (i) Organizer of a continuing financial crimes enterprise.

23 (1) A person commits being an organizer of a continuing
24 financial crimes enterprise when he or she:

25 (A) with the intent to commit any offense under
26 this Section, or, if involving a financial

1 institution, any other felony offense under this Code,
2 agrees with another person to the commission of that
3 offense on 3 or more separate occasions within an
4 18-month period; and

5 (B) with respect to the other persons within the
6 conspiracy, occupies a position of organizer,
7 supervisor, or financier or other position of
8 management.

9 (2) The person with whom the accused agreed to commit
10 the 3 or more offenses under this Section, or, if involving
11 a financial institution, any other felony offenses under
12 this Code, need not be the same person or persons for each
13 offense, as long as the accused was a part of the common
14 scheme or plan to engage in each of the 3 or more alleged
15 offenses.

16 (j) Sentence.

17 (1) Except as otherwise provided in this subsection, a
18 violation of this Section, the full value of which:

19 (A) does not exceed \$500, is a Class A misdemeanor;

20 (B) does not exceed \$500, and the person has been
21 previously convicted of a financial crime or any type
22 of theft, robbery, armed robbery, burglary,
23 residential burglary, possession of burglary tools, or
24 home invasion, is guilty of a Class 4 felony;

25 (C) exceeds \$500 but does not exceed \$10,000, is a
26 Class 3 felony;

1 (D) exceeds \$10,000 but does not exceed \$100,000,
2 is a Class 2 felony;

3 (E) exceeds \$100,000, is a Class 1 felony.

4 (2) A violation of subsection (f) is a Class 1 felony.

5 (3) A violation of subsection (h) is a Class 1 felony.

6 (4) A violation for subsection (i) is a Class X felony.

7 (k) A "financial crime" means an offense described in this
8 Section.

9 (l) Period of limitations. The period of limitations for
10 prosecution of any offense defined in this Section begins at
11 the time when the last act in furtherance of the offense is
12 committed.

13 (720 ILCS 5/17-10.7 new)

14 Sec. 17-10.7. Insurance claims for excessive charges.

15 (a) A person who sells goods or services commits insurance
16 claims for excessive charges if:

17 (1) the person knowingly advertises or promises to
18 provide the goods or services and to pay:

19 (A) all or part of any applicable insurance
20 deductible; or

21 (B) a rebate in an amount equal to all or part of
22 any applicable insurance deductible;

23 (2) the goods or services are paid for by the consumer
24 from proceeds of a property or casualty insurance policy;
25 and

1 (3) the person knowingly charges an amount for the
2 goods or services that exceeds the usual and customary
3 charge by the person for the goods or services by an amount
4 equal to or greater than all or part of the applicable
5 insurance deductible paid by the person to an insurer on
6 behalf of an insured or remitted to an insured by the
7 person as a rebate.

8 (b) A person who is insured under a property or casualty
9 insurance policy commits insurance claims for excessive
10 charges if the person knowingly:

11 (1) submits a claim under the policy based on charges
12 that are in violation of subsection (a) of this Section; or

13 (2) knowingly allows a claim in violation of subsection
14 (a) of this Section to be submitted, unless the person
15 promptly notifies the insurer of the excessive charges.

16 (c) Sentence. A violation of this Section is a Class A
17 misdemeanor.

18 (720 ILCS 5/Art. 17, Subdiv. 20 heading new)

19 SUBDIVISION 20. FRAUDULENT TAMPERING

20 (720 ILCS 5/17-11) (from Ch. 38, par. 17-11)

21 Sec. 17-11. Odometer or hour meter fraud ~~Fraud.~~ A ~~Any~~
22 person commits odometer or hour meter fraud when he or she
23 disconnects, resets, or alters, or causes ~~who shall, with~~
24 ~~intent to defraud another, disconnect, reset, or alter, or~~

1 ~~cause~~ to be disconnected, reset, or altered, the odometer of
2 any used motor vehicle or the hour meter of any used farm
3 implement with the intent to conceal or change the actual miles
4 driven or hours of operation with the intent to defraud
5 another. A violation of this Section is ~~shall be guilty of~~ a
6 Class A misdemeanor. A ~~person convicted of a~~ second or
7 subsequent violation is ~~of this Section shall be guilty of~~ a
8 Class 4 felony. This Section does ~~shall~~ not apply to legitimate
9 ~~business~~ practices of automotive or implement parts recyclers
10 who recycle used odometers or hour meters for resale.

11 (Source: P.A. 84-1391; 84-1438.)

12 (720 ILCS 5/17-11.2)

13 Sec. 17-11.2. Installation of object in lieu of air bag. A
14 ~~Any~~ person commits installation of object in lieu of airbag
15 when he or she, who for consideration, knowingly installs or
16 reinstalls in a vehicle any object in lieu of an air bag that
17 was designed in accordance with federal safety regulations for
18 the make, model, and year of the vehicle as part of a vehicle
19 inflatable restraint system. A violation of this Section is
20 ~~guilty of~~ a Class A misdemeanor.

21 (Source: P.A. 92-809, eff. 1-1-03.)

22 (720 ILCS 5/17-11.5) (was 720 ILCS 5/16-22)

23 Sec. 17-11.5 ~~16-22~~. Tampering with a security, fire, or
24 life safety system.

1 (a) A person commits ~~the offense of~~ tampering with a
2 security, fire, or life safety system when he or she knowingly
3 damages, sabotages, destroys, or causes a permanent or
4 temporary malfunction in any physical or electronic security,
5 fire, or life safety system or any component part of any of
6 those systems including, but not limited to, card readers,
7 magnetic stripe readers, Wiegand card readers, smart card
8 readers, proximity card readers, digital keypads, keypad
9 access controls, digital locks, electromagnetic locks,
10 electric strikes, electronic exit hardware, exit alarm
11 systems, delayed egress systems, biometric access control
12 equipment, intrusion detection systems and sensors, burglar
13 alarm systems, wireless burglar alarms, silent alarms, duress
14 alarms, hold-up alarms, glass break detectors, motion
15 detectors, seismic detectors, glass shock sensors, magnetic
16 contacts, closed circuit television (CCTV), security cameras,
17 digital cameras, dome cameras, covert cameras, spy cameras,
18 hidden cameras, wireless cameras, network cameras, IP
19 addressable cameras, CCTV camera lenses, video cassette
20 recorders, CCTV monitors, CCTV consoles, CCTV housings and
21 enclosures, CCTV pan-and-tilt devices, CCTV transmission and
22 signal equipment, wireless video transmitters, wireless video
23 receivers, radio frequency (RF) or microwave components, or
24 both, infrared illuminators, video motion detectors, video
25 recorders, time lapse CCTV recorders, digital video recorders
26 (DVRs), digital image storage systems, video converters, video

1 distribution amplifiers, video time-date generators,
2 multiplexers, switchers, splitters, fire alarms, smoke alarm
3 systems, smoke detectors, flame detectors, fire detection
4 systems and sensors, fire sprinklers, fire suppression
5 systems, fire extinguishing systems, public address systems,
6 intercoms, emergency telephones, emergency call boxes,
7 emergency pull stations, telephone entry systems, video entry
8 equipment, annunciators, sirens, lights, sounders, control
9 panels and components, and all associated computer hardware,
10 computer software, control panels, wires, cables, connectors,
11 electromechanical components, electronic modules, fiber
12 optics, filters, passive components, and power sources
13 including batteries and back-up power supplies.

14 (b) Sentence. A violation of this Section is a Class 4
15 felony.

16 (Source: P.A. 94-707, eff. 6-1-06.)

17 (720 ILCS 5/17-13)

18 Sec. 17-13. Fraud in transfers of real and personal
19 property ~~Fraudulent land sales.~~

20 (a) Conditional sale; sale without consent of title holder.
21 No person purchasing personal property under a conditional
22 sales contract shall, during the existence of such conditional
23 sales contract and before the conditions thereof have been
24 fulfilled, knowingly sell, transfer, conceal, or in any manner
25 dispose of such property, or cause or allow the same to be

1 done, without the written consent of the holder of title.

2 (b) Acknowledgment of fraudulent conveyance. No officer
3 authorized to take the proof and acknowledgment of a conveyance
4 of real or personal property or other instrument shall
5 knowingly certify that the conveyance or other instrument was
6 duly proven or acknowledged by a party to the conveyance or
7 other instrument when no such acknowledgment or proof was made,
8 or was not made at the time it was certified to have been made,
9 with intent to injure or defraud or to enable any other person
10 to injure or defraud.

11 (c) Fraudulent land sales. No A person, after once selling,
12 bartering, or disposing of a tract or tracts of land ~~or a~~ town
13 lot or lots, or executing a bond or agreement for the sale of
14 lands~~7~~ or a town lot or lots, shall ~~who~~ again knowingly and
15 with intent to defraud sell, barter, or dispose ~~fraudulently~~
16 ~~sells, barter, or disposes~~ of the same tract or tracts of
17 land~~7~~ or town lot or lots, or any part ~~parts~~ of those tracts of
18 land ~~or~~ town lot or lots, or knowingly and with intent to
19 defraud ~~execute~~ ~~fraudulently executes~~ a bond or agreement to
20 sell, barter, or dispose of the same land~~7~~ or lot or lots, or
21 any part of that land ~~or~~ lot or lots, to any other person for a
22 valuable consideration ~~is guilty of a Class 3 felony.~~

23 (d) Sentence. A violation of subsection (a) of this Section
24 is a Class A misdemeanor. A violation of subsection (b) of this
25 Section is a Class 4 felony. A violation of subsection (c) of
26 this Section is a Class 3 felony.

1 (Source: P.A. 89-234, eff. 1-1-96.)

2 (720 ILCS 5/17-17)

3 Sec. 17-17. Fraud in ~~Fraudulent issuance of~~ stock
4 transactions.

5 (a) No ~~Every president, cashier, treasurer, secretary, or~~
6 ~~other officer, director, or~~ and every agent, attorney, servant,
7 ~~or employee~~ of a bank, railroad, ~~or manufacturing~~ or other
8 corporation, nor any ~~and every~~ other person, shall who,
9 knowingly ~~and designedly,~~ and with intent to defraud, issue,
10 sell, transfer, assign, or pledge, or cause or procure a
11 ~~person, bank, railroad, or manufacturing or other corporation,~~
12 ~~issues, sells, transfers, assigns, or pledges, or causes or~~
13 ~~procures~~ to be issued, sold, transferred, assigned, or pledged,
14 any false, fraudulent, or simulated certificate or other
15 evidence of ownership of a share or shares of the capital stock
16 of a bank, railroad, ~~or manufacturing~~ or other corporation, ~~is~~
17 ~~guilty of a Class 3 felony.~~

18 (b) No officer, director, or agent of a bank, railroad, or
19 other corporation shall knowingly sign, with intent to issue,
20 sell, pledge, or cause to be issued, sold, or pledged, any
21 false, fraudulent, or simulated certificate or other evidence
22 of the ownership or transfer of a share or shares of the
23 capital stock of that corporation, or an instrument purporting
24 to be a certificate or other evidence of the ownership or
25 transfer, the signing, issuing, selling, or pledging of which

1 by the officer, director, or agent is not authorized by law.

2 (c) Sentence. A violation of this Section is a Class 3
3 felony.

4 (Source: P.A. 89-234, eff. 1-1-96.)

5 (720 ILCS 5/17-20)

6 Sec. 17-20. Obstructing gas, water, or ~~and~~ electric current
7 meters. A person commits obstructing gas, water, or electric
8 current meters when he or she knowingly, and ~~who,~~ with intent
9 to injure or defraud a company, body corporate, copartnership,
10 or individual, injures, alters, obstructs, or prevents the
11 action of a meter provided for the purpose of measuring and
12 registering the quantity of gas, water, or electric current
13 consumed by or at a burner, orifice, or place, or supplied to a
14 lamp, motor, machine, or appliance, or causes, procures, or
15 aids the injuring or altering of any such meter or the
16 obstruction or prevention of its action, or makes or causes to
17 be made with a gas pipe, water pipe, or electrical conductor
18 any connection so as to conduct or supply illumination or
19 inflammable gas, water, or electric current to any burner,
20 orifice, lamp, motor, or other machine or appliance from which
21 the gas, water, or electricity may be consumed or utilized
22 without passing through or being registered by a meter or
23 without the consent or acquiescence of the company, municipal
24 corporation, body corporate, copartnership, or individual
25 furnishing or transmitting the gas, water, or electric current

1 through the gas pipe, water pipe, or electrical conductor. A
2 violation of this Section, ~~is guilty of~~ a Class B misdemeanor.

3 (Source: P.A. 89-234, eff. 1-1-96.)

4 (720 ILCS 5/17-21)

5 Sec. 17-21. Obstructing service meters. A person commits
6 obstructing service meters when he or she knowingly, and who,
7 with the intent to defraud, tampers with, alters, obstructs or
8 prevents the action of a meter, register, or other counting
9 device that is a part of a mechanical or electrical machine,
10 equipment, or device that measures service, without the consent
11 of the owner of the machine, equipment, or device. A violation
12 of this Section, ~~is guilty of~~ a Class B misdemeanor.

13 (Source: P.A. 89-234, eff. 1-1-96.)

14 (720 ILCS 5/17-24)

15 Sec. 17-24. Mail fraud and wire fraud ~~Fraudulent schemes~~
16 ~~and artifices.~~

17 (a) Mail fraud. A person commits mail fraud when he or she:

18 (1) devises or intends to devise any scheme or artifice
19 to defraud, or to obtain money or property by means of
20 false or fraudulent pretenses, representations, or
21 promises, or to sell, dispose of, loan, exchange, alter,
22 give away, distribute, supply, or furnish or procure for
23 unlawful use any counterfeit obligation, security, or
24 other article, or anything represented to be or intimated

1 or held out to be such a counterfeit or spurious article;
2 and

3 (2) with the intent to execute such scheme or artifice
4 or to attempt to do so, does any of the following:

5 (A) Places in any post office or authorized
6 depository for mail matter within this State any matter
7 or thing to be delivered by the United States Postal
8 Service, according to the direction on the matter or
9 thing.

10 (B) Deposits or causes to be deposited in this
11 State any matter or thing to be sent or delivered by
12 mail or by private or commercial carrier, according to
13 the direction on the matter or thing.

14 (C) Takes or receives from mail or from a private
15 or commercial carrier any such matter or thing at the
16 place at which it is directed to be delivered by the
17 person to whom it is addressed.

18 (D) Knowingly causes any such matter or thing to be
19 delivered by mail or by private or commercial carrier,
20 according to the direction on the matter or thing.

21 (b) Wire fraud. ~~(a) Fraud by wire, radio, or television.~~

22 ~~(1)~~ A person commits wire fraud when he or she:

23 (1) ~~(A)~~ devises or intends to devise a scheme or
24 artifice to defraud or to obtain money or property by means
25 of false pretenses, representations, or promises; and

26 (2) for the purpose of executing the scheme or

1 artifice, (B) (i) transmits or causes to be transmitted any
2 writings, signals, pictures, sounds, or electronic or
3 electric impulses by means of wire, radio, or television
4 communications:

5 (A) from within this State; or

6 (B) ~~(ii) transmits or causes to be transmitted so~~
7 that the transmission ~~it~~ is received by a person within
8 this State; or

9 (C) ~~(iii) transmits or causes to be transmitted so~~
10 that the transmission may ~~it is reasonably foreseeable~~
11 ~~that it will~~ be accessed by a person within this
12 State. ~~+~~

13 ~~any writings, signals, pictures, sounds, or electronic or~~
14 ~~electric impulses by means of wire, radio, or television~~
15 ~~communications for the purpose of executing the scheme or~~
16 ~~artifice.~~

17 (c) Jurisdiction.

18 (1) Mail fraud using a government or private carrier
19 occurs in the county in which mail or other matter is
20 deposited with the United States Postal Service or a
21 private commercial carrier for delivery, if deposited with
22 the United States Postal Service or a private or commercial
23 carrier within this State, and the county in which a person
24 within this State receives the mail or other matter from
25 the United States Postal Service or a private or commercial
26 carrier.

1 (2) Wire fraud occurs ~~A scheme or artifice to defraud~~
2 ~~using electronic transmissions is deemed to occur~~ in the
3 county from which a transmission is sent, if the
4 transmission is sent from within this State, the county in
5 which a person within this State receives the transmission,
6 and the county in which a person who is within this State
7 is located when the person accesses a transmission.

8 (d) Sentence. A violation of this Section is a Class 3
9 felony.

10 ~~(3) Wire fraud is a Class 3 felony.~~

11 ~~(b) Mail fraud.~~

12 ~~(1) A person commits mail fraud when he or she:~~

13 ~~(A) devises or intends to devise any scheme or~~
14 ~~artifice to defraud or to obtain money or property by~~
15 ~~means of false or fraudulent pretenses,~~
16 ~~representations or promises, or to sell, dispose of,~~
17 ~~loan, exchange, alter, give away, distribute, supply,~~
18 ~~or furnish or procure for unlawful use any counterfeit~~
19 ~~obligation, security, or other article, or anything~~
20 ~~represented to be or intimated or held out to be such~~
21 ~~counterfeit or spurious article; and~~

22 ~~(B) for the purpose of executing such scheme or~~
23 ~~artifice or attempting so to do, places in any post~~
24 ~~office or authorized depository for mail matter within~~
25 ~~this State, any matter or thing whatever to be~~
26 ~~delivered by the Postal Service, or deposits or causes~~

1 ~~to be deposited in this State by mail or by private or~~
2 ~~commercial carrier according to the direction on the~~
3 ~~matter or thing, or at the place at which it is~~
4 ~~directed to be delivered by the person to whom it is~~
5 ~~addressed, any such matter or thing.~~

6 ~~(2) A scheme or artifice to defraud using a government~~
7 ~~or private carrier is deemed to occur in the county in~~
8 ~~which mail or other matter is deposited with the Postal~~
9 ~~Service or a private commercial carrier for delivery, if~~
10 ~~deposited with the Postal Service or a private or~~
11 ~~commercial carrier within this State and the county in~~
12 ~~which a person within this State receives the mail or other~~
13 ~~matter from the Postal Service or a private or commercial~~
14 ~~carrier.~~

15 ~~(3) Mail fraud is a Class 3 felony.~~

16 ~~(c) (Blank).~~

17 ~~(d)~~ The period of limitations for prosecution of any
18 offense defined in this Section begins at the time when the
19 last act in furtherance of the scheme or artifice is committed.

20 ~~(e) In this Section:~~

21 ~~(1) "Scheme or artifice to defraud" includes a scheme~~
22 ~~or artifice to deprive another of the intangible right to~~
23 ~~honest services.~~

24 ~~(2) (Blank).~~

25 (Source: P.A. 96-1000, eff. 7-2-10.)

1 (720 ILCS 5/17-26)

2 Sec. 17-26. Misconduct by a corporate official.

3 (a) A person commits misconduct by a corporate official ~~is~~
4 ~~guilty of a crime~~ when:

5 (1) being a director of a corporation, he or she
6 knowingly, with the intent ~~a purpose~~ to defraud, concurs in
7 any vote or act of the directors of the corporation, or any
8 of them, which has the purpose of:

9 (A) making a dividend except in the manner provided
10 by law;

11 (B) dividing, withdrawing or in any manner paying
12 any stockholder any part of the capital stock of the
13 corporation except in the manner provided by law;

14 (C) discounting or receiving any note or other
15 evidence of debt in payment of an installment of
16 capital stock actually called in and required to be
17 paid, or with purpose of providing the means of making
18 such payment;

19 (D) receiving or discounting any note or other
20 evidence of debt with the purpose of enabling any
21 stockholder to withdraw any part of the money paid in
22 by him or her on his or her stock; or

23 (E) applying any portion of the funds of such
24 corporation, directly or indirectly, to the purchase
25 of shares of its own stock, except in the manner
26 provided by law; or

1 (2) being a director or officer of a corporation, he or
2 she, with the intent ~~purpose~~ to defraud:

3 (A) issues, participates in issuing, or concurs in
4 a vote to issue any increase of its capital stock
5 beyond the amount of the capital stock thereof, duly
6 authorized by or in pursuance of law;

7 (B) sells, or agrees to sell, or is directly
8 interested in the sale of any share of stock of such
9 corporation, or in any agreement to sell such stock,
10 unless at the time of the sale or agreement he or she
11 is an actual owner of such share, provided that the
12 foregoing shall not apply to a sale by or on behalf of
13 an underwriter or dealer in connection with a bona fide
14 public offering of shares of stock of such corporation;

15 (C) executes a scheme or attempts to execute a
16 scheme to obtain any share of stock of such corporation
17 by means of false representation; or

18 (3) being a director or officer of a corporation, he or
19 she with the intent ~~purpose~~ to defraud or evade a financial
20 disclosure reporting requirement of this State or of
21 Section 13(A) or 15(D) of the Securities Exchange Act of
22 1934, as amended, 15 U. S. C. 78M(A) or 78O(D):

23 (A) causes or attempts to cause a corporation or
24 accounting firm representing the corporation or any
25 other individual or entity to fail to file a financial
26 disclosure report as required by State or federal law;

1 or

2 (B) causes or attempts to cause a corporation or
3 accounting firm representing the corporation or any
4 other individual or entity to file a financial
5 disclosure report, as required by State or federal law,
6 that contains a material omission or misstatement of
7 fact.

8 (b) Sentence. If the benefit derived from a violation of
9 this Section is \$500,000 or more, the violation ~~offender~~ is
10 ~~guilty of~~ a Class 2 felony. If the benefit derived from a
11 violation of this Section is less than \$500,000, the violation
12 ~~offender~~ is ~~guilty of~~ a Class 3 felony.

13 (Source: P.A. 96-1000, eff. 7-2-10.)

14 (720 ILCS 5/17-27)

15 Sec. 17-27. Fraud on creditors ~~in insolvency~~.

16 (a) Fraud in insolvency. A person commits fraud in
17 insolvency when ~~a crime if~~, knowing that proceedings have or
18 are about to be instituted for the appointment of a receiver or
19 other person entitled to administer property for the benefit of
20 creditors, or that any other composition or liquidation for the
21 benefit of creditors has been or is about to be made, he or
22 she:

23 (1) destroys, removes, conceals, encumbers, transfers,
24 or otherwise deals with any property or obtains any
25 substantial part of or interest in the debtor's estate with

1 the intent ~~purpose~~ to defeat or obstruct the claim of any
2 creditor, or otherwise to obstruct the operation of any law
3 relating to administration of property for the benefit of
4 creditors;

5 (2) knowingly falsifies any writing or record relating
6 to the property; or

7 (3) knowingly misrepresents or refuses to disclose to a
8 receiver or other person entitled to administer property
9 for the benefit of creditors, the existence, amount, or
10 location of the property, or any other information which
11 the actor could be legally required to furnish in relation
12 to such administration.

13 Sentence. ~~(b)~~ If the benefit derived from a violation of
14 this subsection (a) ~~Section~~ is \$500,000 or more, the violation
15 ~~offender is guilty of~~ a Class 2 felony. If the benefit derived
16 from a violation of this subsection (a) ~~Section~~ is less than
17 \$500,000, the violation offender ~~is guilty of~~ a Class 3 felony.

18 (b) Fraud in property transfer. A person commits fraud in
19 property transfer when he or she transfers or conveys any
20 interest in property with the intent to defraud, defeat,
21 hinder, or delay his or her creditors. A violation of this
22 subsection (b) is a business offense subject to a fine not to
23 exceed \$1,000.

24 (Source: P.A. 93-496, eff. 1-1-04.)

25 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

1 Sec. 17-30 ~~16C-2~~. Defaced, altered, or removed
2 manufacturer or owner identification number.

3 (a) Unlawful sale of household appliances. A person commits
4 ~~the offense of~~ unlawful sale of household appliances when he or
5 she knowingly, with the intent to defraud or deceive another,
6 keeps for sale, within any commercial context, any household
7 appliance with a missing, defaced, obliterated, or otherwise
8 altered manufacturer's identification number.

9 (b) Construction equipment identification defacement. A
10 person commits construction equipment identification
11 defacement when he or she knowingly changes, alters, removes,
12 mutilates, or obliterates a permanently affixed serial number,
13 product identification number, part number, component
14 identification number, owner-applied identification, or other
15 mark of identification attached to or stamped, inscribed,
16 molded, or etched into a machine or other equipment, whether
17 stationary or mobile or self-propelled, or a part of such
18 machine or equipment, used in the construction, maintenance, or
19 demolition of buildings, structures, bridges, tunnels, sewers,
20 utility pipes or lines, ditches or open cuts, roads, highways,
21 dams, airports, or waterways or in material handling for such
22 projects.

23 The trier of fact may infer that the defendant has
24 knowingly changed, altered, removed, or obliterated the serial
25 number, product identification number, part number, component
26 identification number, owner-applied identification number, or

1 other mark of identification, if the defendant was in
2 possession of any machine or other equipment or a part of such
3 machine or equipment used in the construction, maintenance, or
4 demolition of buildings, structures, bridges, tunnels, sewers,
5 utility pipes or lines, ditches or open cuts, roads, highways,
6 dams, airports, or waterways or in material handling for such
7 projects upon which any such serial number, product
8 identification number, part number, component identification
9 number, owner-applied identification number, or other mark of
10 identification has been changed, altered, removed, or
11 obliterated.

12 (c) Defacement of manufacturer's serial number or
13 identification mark. A person commits defacement of a
14 manufacturer's serial number or identification mark when he or
15 she knowingly removes, alters, defaces, covers, or destroys the
16 manufacturer's serial number or any other manufacturer's
17 number or distinguishing identification mark upon any machine
18 or other article of merchandise, other than a motor vehicle as
19 defined in Section 1-146 of the Illinois Vehicle Code or a
20 firearm as defined in the Firearm Owners Identification Card
21 Act, with the intent of concealing or destroying the identity
22 of such machine or other article of merchandise.

23 (d) Sentence.

24 (1) A violation of subsection (a) ~~(b)~~ Violation of this
25 Section is a Class 4 felony⁷ if the value of the appliance
26 or appliances exceeds \$1,000 and a Class B misdemeanor if

1 the value of the appliance or appliances is \$1,000 or less.

2 (2) A violation of subsection (b) of this Section is a
3 Class A misdemeanor.

4 (3) A violation of subsection (c) of this Section is a
5 Class B misdemeanor.

6 (e) ~~(e)~~ No liability shall be imposed upon any person for
7 the unintentional failure to comply with subsection (a) ~~this~~
8 Section.

9 (f) Definitions. In this Section:

10 "Commercial context" means a continuing business
11 enterprise conducted for profit by any person whose primary
12 business is the wholesale or retail marketing of household
13 appliances, or a significant portion of whose business or
14 inventory consists of household appliances kept or sold on a
15 wholesale or retail basis.

16 "Household appliance" means any gas or electric device or
17 machine marketed for use as home entertainment or for
18 facilitating or expediting household tasks or chores. The term
19 shall include but not necessarily be limited to refrigerators,
20 freezers, ranges, radios, television sets, vacuum cleaners,
21 toasters, dishwashers, and other similar household items.

22 "Manufacturer's identification number" means any serial
23 number or other similar numerical or alphabetical designation
24 imprinted upon or attached to or placed, stamped, or otherwise
25 imprinted upon or attached to a household appliance or item by
26 the manufacturer for purposes of identifying a particular

1 appliance or item individually or by lot number.

2 (Source: P.A. 87-435.)

3 (720 ILCS 5/Art. 17, Subdiv. 25 heading new)

4 SUBDIVISION 25. CREDIT AND DEBIT CARD FRAUD

5 (720 ILCS 5/17-31 new)

6 Sec. 17-31. False statement to procure credit or debit
7 card. A person commits false statement to procure credit or
8 debit card when he or she makes or causes to be made, either
9 directly or indirectly, any false statement in writing, knowing
10 it to be false and with the intent that it be relied on,
11 respecting his or her identity, his or her address, or his or
12 her employment, or that of any other person, firm, or
13 corporation, with the intent to procure the issuance of a
14 credit card or debit card. A violation of this Section is a
15 Class 4 felony.

16 (720 ILCS 5/17-32 new)

17 Sec. 17-32. Possession of another's credit, debit, or
18 identification card.

19 (a) Possession of another's identification card. A person
20 commits possession of another's identification card when he or
21 she, with the intent to defraud, possesses any check guarantee
22 card or key card or identification card for cash dispensing
23 machines without the authority of the account holder or

1 financial institution.

2 (b) Possession of another's credit or debit card. A person
3 commits possession of another's credit or debit card when he or
4 she receives a credit card or debit card from the person,
5 possession, custody, or control of another without the
6 cardholder's consent or if he or she, with knowledge that it
7 has been so acquired, receives the credit card or debit card
8 with the intent to use it or to sell it, or to transfer it to a
9 person other than the issuer or the cardholder. The trier of
10 fact may infer that a person who has in his or her possession
11 or under his or her control 2 or more such credit cards or
12 debit cards each issued to a cardholder other than himself or
13 herself has violated this Section.

14 (c) Sentence.

15 (1) A violation of subsection (a) of this Section is a
16 Class A misdemeanor. A person who, within any 12-month
17 period, violates subsection (a) of this Section at the same
18 time or consecutively with respect to 3 or more cards, each
19 the property of different account holders, is guilty of a
20 Class 4 felony. A person convicted under subsection (a) of
21 this Section, when the value of property so obtained, in a
22 single transaction or in separate transactions within any
23 90-day period, exceeds \$150 is guilty of a Class 4 felony.

24 (2) A violation of subsection (b) of this Section is a
25 Class 4 felony. A person who, in any 12-month period,
26 violates subsection (b) of this Section with respect to 3

1 or more credit cards or debit cards each issued to a
2 cardholder other than himself or herself is guilty of a
3 Class 3 felony.

4 (720 ILCS 5/17-33 new)

5 Sec. 17-33. Possession of lost or mislaid credit or debit
6 card. A person who receives a credit card or debit card that he
7 or she knows to have been lost or mislaid and who retains
8 possession with intent to use it or to sell it or to transfer
9 it to a person other than the issuer or the cardholder is
10 guilty of a Class 4 felony.

11 A person who, in a single transaction, violates this
12 Section with respect to 3 or more credit cards or debit cards
13 each issued to different cardholders other than himself or
14 herself is guilty of a Class 3 felony.

15 (720 ILCS 5/17-34 new)

16 Sec. 17-34. Sale of credit or debit card. A person other
17 than the issuer who sells a credit card or debit card, without
18 the consent of the issuer, is guilty of a Class 4 felony.

19 A person who knowingly purchases a credit card or debit
20 card from a person other than the issuer, without the consent
21 of the issuer, is guilty of a Class 4 felony.

22 A person who, in a single transaction, makes a sale or
23 purchase prohibited by this Section with respect to 3 or more
24 credit cards or debit cards each issued to a cardholder other

1 than himself or herself is guilty of a Class 3 felony.

2 (720 ILCS 5/17-35 new)

3 Sec. 17-35. Use of credit or debit card as security for
4 debt. A person who, with intent to defraud either the issuer,
5 or a person providing an item or items of value, or any other
6 person, obtains control over a credit card or debit card as
7 security for debt or transfers, conveys, or gives control over
8 a credit card or debit card as security for debt is guilty of a
9 Class 4 felony.

10 (720 ILCS 5/17-36 new)

11 Sec. 17-36. Use of counterfeited, forged, expired,
12 revoked, or unissued credit or debit card. A person who, with
13 intent to defraud either the issuer, or a person providing an
14 item or items of value, or any other person, (i) uses, with the
15 intent to obtain an item or items of value, a credit card or
16 debit card obtained or retained in violation of this
17 Subdivision 25 or without the cardholder's consent, or a credit
18 card or debit card which he or she knows is counterfeited, or
19 forged, or expired, or revoked or (ii) obtains or attempts to
20 obtain an item or items of value by representing without the
21 consent of the cardholder that he or she is the holder of a
22 specified card or by representing that he or she is the holder
23 of a card and such card has not in fact been issued is guilty of
24 a Class 4 felony if the value of all items of value obtained or

1 sought in violation of this Section does not exceed \$300 in any
2 6-month period; and is guilty of a Class 3 felony if the value
3 exceeds \$300 in any 6-month period. The trier of fact may infer
4 that knowledge of revocation has been received by a cardholder
5 4 days after it has been mailed to him or her at the address set
6 forth on the credit card or debit card or at his or her last
7 known address by registered or certified mail, return receipt
8 requested, and, if the address is more than 500 miles from the
9 place of mailing, by air mail. The trier of fact may infer that
10 notice was received 10 days after mailing by registered or
11 certified mail if the address is located outside the United
12 States, Puerto Rico, the Virgin Islands, the Canal Zone, and
13 Canada.

14 (720 ILCS 5/17-37 new)

15 Sec. 17-37. Use of credit or debit card with intent to
16 defraud. A cardholder who uses a credit card or debit card
17 issued to him or her, or allows another person to use a credit
18 card or debit card issued to him or her, with intent to defraud
19 the issuer, or a person providing an item or items of value, or
20 any other person is guilty of a Class A misdemeanor if the
21 value of all items of value does not exceed \$150 in any 6-month
22 period; and is guilty of a Class 4 felony if the value exceeds
23 \$150 in any 6-month period.

24 (720 ILCS 5/17-38 new)

1 Sec. 17-38. Use of account number or code with intent to
2 defraud; possession of record of charge forms.

3 (a) A person who, with intent to defraud either an issuer,
4 or a person providing an item or items of value, or any other
5 person, utilizes an account number or code or enters
6 information on a record of charge form with the intent to
7 obtain an item or items of value is guilty of a Class 4 felony
8 if the value of the item or items of value obtained does not
9 exceed \$150 in any 6-month period; and is guilty of a Class 3
10 felony if the value exceeds \$150 in any 6-month period.

11 (b) A person who, with intent to defraud either an issuer
12 or a person providing an item or items of value, or any other
13 person, possesses, without the consent of the issuer or
14 purported issuer, record of charge forms bearing the printed
15 impression of a credit card or debit card is guilty of a Class
16 4 felony. The trier of fact may infer intent to defraud from
17 the possession of such record of charge forms by a person other
18 than the issuer or a person authorized by the issuer to possess
19 record of charge forms.

20 (720 ILCS 5/17-39 new)

21 Sec. 17-39. Receipt of goods or services. A person who
22 receives an item or items of value obtained in violation of
23 this Subdivision 25, knowing that it was so obtained or under
24 such circumstances as would reasonably induce him or her to
25 believe that it was so obtained, is guilty of a Class A

1 misdemeanor if the value of all items of value obtained does
2 not exceed \$150 in any 6-month period; and is guilty of a Class
3 4 felony if the value exceeds \$150 in any 6-month period.

4 (720 ILCS 5/17-40 new)

5 Sec. 17-40. Signing another's card with intent to defraud.
6 A person other than the cardholder or a person authorized by
7 him or her who, with intent to defraud either the issuer, or a
8 person providing an item or items of value, or any other
9 person, signs a credit card or debit card is guilty of a Class
10 A misdemeanor.

11 (720 ILCS 5/17-41 new)

12 Sec. 17-41. Altered or counterfeited card.
13 (a) A person commits an offense under this Section when he
14 or she, with intent to defraud either a purported issuer, or a
15 person providing an item or items of value, or any other
16 person, commits an offense under this Section if he or she: (i)
17 alters a credit card or debit card or a purported credit card
18 or debit card, or possesses a credit card or debit card or a
19 purported credit card or debit card with knowledge that the
20 same has been altered; or (ii) counterfeits a purported credit
21 card or debit card, or possesses a purported credit card or
22 debit card with knowledge that the card has been counterfeited.
23 (b) Sentence. A violation of item (i) of subsection (a) is
24 a Class 4 felony. A violation of item (ii) of subsection (a) is

1 a Class 3 felony. The trier of fact may infer that possession
2 of 2 or more credit cards or debit cards by a person other than
3 the issuer in violation of subsection (a) is evidence that the
4 person intended to defraud or that he or she knew the credit
5 cards or debit cards to have been so altered or counterfeited.

6 (720 ILCS 5/17-42 new)

7 Sec. 17-42. Possession of incomplete card. A person other
8 than the cardholder possessing an incomplete credit card or
9 debit card, with intent to complete it without the consent of
10 the issuer or a person possessing, with knowledge of its
11 character, machinery, plates, or any other contrivance
12 designed to reproduce instruments purporting to be credit cards
13 or debit cards of an issuer who has not consented to the
14 preparation of such credit cards or debit cards is guilty of a
15 Class 3 felony. The trier of fact may infer that a person other
16 than the cardholder or issuer who possesses 2 or more
17 incomplete credit cards or debit cards possesses those cards
18 without the consent of the issuer.

19 (720 ILCS 5/17-43 new)

20 Sec. 17-43. Prohibited deposits.

21 (a) A person who, with intent to defraud the issuer of a
22 credit card or debit card or any person providing an item or
23 items of value, or any other person, deposits into his or her
24 account or any account, via an electronic fund transfer

1 terminal, a check, draft, money order, or other such document,
2 knowing such document to be false, fictitious, forged, altered,
3 counterfeit, or not his or her lawful or legal property, is
4 guilty of a Class 4 felony.

5 (b) A person who receives value as a result of a false,
6 fictitious, forged, altered, or counterfeit check, draft,
7 money order, or other such document having been deposited into
8 an account via an electronic fund transfer terminal, knowing at
9 the time of receipt of the value that the document so deposited
10 was false, fictitious, forged, altered, counterfeit, or not his
11 or her lawful or legal property, is guilty of a Class 4 felony.

12 (720 ILCS 5/17-44 new)

13 Sec. 17-44. Fraudulent use of electronic transmission.

14 (a) A person who, with intent to defraud the issuer of a
15 credit card or debit card, the cardholder, or any other person,
16 intercepts, taps, or alters electronic information between an
17 electronic fund transfer terminal and the issuer, or originates
18 electronic information to an electronic fund transfer terminal
19 or to the issuer, via any line, wire, or other means of
20 electronic transmission, at any junction, terminal, or device,
21 or at any location within the EFT System, with the intent to
22 obtain value, is guilty of a Class 4 felony.

23 (b) Any person who, with intent to defraud the issuer of a
24 credit card or debit card, the cardholder, or any other person,
25 intercepts, taps, or alters electronic information between an

1 electronic fund transfer terminal and the issuer, or originates
2 electronic information to an electronic fund transfer terminal
3 or to the issuer, via any line, wire, or other means of
4 electronic transmission, at any junction, terminal, or device,
5 or at any location within the EFT System, and thereby causes
6 funds to be transferred from one account to any other account,
7 is guilty of a Class 4 felony.

8 (720 ILCS 5/17-45 new)

9 Sec. 17-45. Payment of charges without furnishing item of
10 value.

11 (a) No person shall process, deposit, negotiate, or obtain
12 payment of a credit card charge through a retail seller's
13 account with a financial institution or through a retail
14 seller's agreement with a financial institution, card issuer,
15 or organization of financial institutions or card issuers if
16 that retail seller did not furnish or agree to furnish the item
17 or items of value that are the subject of the credit card
18 charge.

19 (b) No retail seller shall permit any person to process,
20 deposit, negotiate, or obtain payment of a credit card charge
21 through the retail seller's account with a financial
22 institution or the retail seller's agreement with a financial
23 institution, card issuer, or organization of financial
24 institutions or card issuers if that retail seller did not
25 furnish or agree to furnish the item or items of value that are

1 the subject of the credit card charge.

2 (c) Subsections (a) and (b) do not apply to any of the
3 following:

4 (1) A person who furnishes goods or services on the
5 business premises of a general merchandise retail seller
6 and who processes, deposits, negotiates, or obtains
7 payment of a credit card charge through that general
8 merchandise retail seller's account or agreement.

9 (2) A general merchandise retail seller who permits a
10 person described in paragraph (1) to process, deposit,
11 negotiate, or obtain payment of a credit card charge
12 through that general merchandise retail seller's account
13 or agreement.

14 (3) A franchisee who furnishes the cardholder with an
15 item or items of value that are provided in whole or in
16 part by the franchisor and who processes, deposits,
17 negotiates, or obtains payment of a credit card charge
18 through that franchisor's account or agreement.

19 (4) A franchisor who permits a franchisee described in
20 paragraph (3) to process, deposit, negotiate, or obtain
21 payment of a credit card charge through that franchisor's
22 account or agreement.

23 (5) The credit card issuer or a financial institution
24 or a parent, subsidiary, or affiliate of the card issuer or
25 a financial institution.

26 (6) A person who processes, deposits, negotiates, or

1 obtains payment of less than \$500 of credit card charges in
2 any one-year period through a retail seller's account or
3 agreement. The person has the burden of producing evidence
4 that the person transacted less than \$500 in credit card
5 charges during any one-year period.

6 (7) A telecommunications carrier that includes charges
7 of other parties in its billings to its subscribers and
8 those other parties whose charges are included in the
9 billings of the telecommunications carrier to its
10 subscribers.

11 (d) A person injured by a violation of this Section may
12 bring an action for the recovery of damages, equitable relief,
13 and reasonable attorney's fees and costs.

14 (e) A person who violates this Section is guilty of a
15 business offense and shall be fined \$10,000 for each offense.
16 Each occurrence in which a person processes, deposits,
17 negotiates, or otherwise seeks to obtain payment of a credit
18 card charge in violation of subsection (a) constitutes a
19 separate offense.

20 (f) The penalties and remedies provided in this Section are
21 in addition to any other remedies or penalties provided by law.

22 (g) As used in this Section:

23 "Franchisor" and "franchisee" have the same meanings as in
24 Section 3 of the Franchise Disclosure Act of 1987.

25 "Retail seller" has the same meaning as in Section 2.4 of
26 the Retail Installment Sales Act.

1 "Telecommunications carrier" has the same meaning as in
2 Section 13-202 of the Public Utilities Act.

3 (720 ILCS 5/17-46 new)

4 Sec. 17-46. Furnishing items of value with intent to
5 defraud. A person who is authorized by an issuer to furnish
6 money, goods, property, services or anything else of value upon
7 presentation of a credit card or debit card by the cardholder,
8 or any agent or employee of such person, who, with intent to
9 defraud the issuer or the cardholder, furnishes money, goods,
10 property, services or anything else of value upon presentation
11 of a credit card or debit card obtained or retained in
12 violation of this Code or a credit card or debit card which he
13 knows is counterfeited, or forged, or expired, or revoked is
14 guilty of a Class A misdemeanor, if the value furnished in
15 violation of this Section does not exceed \$150 in any 6-month
16 period; and is guilty of a Class 4 felony if such value exceeds
17 \$150 in any 6-month period.

18 (720 ILCS 5/17-47 new)

19 Sec. 17-47. Failure to furnish items of value. A person who
20 is authorized by an issuer to furnish money, goods, property,
21 services or anything else of value upon presentation of a
22 credit card or debit card by the cardholder, or any agent or
23 employee of such person, who, with intent to defraud the issuer
24 or the cardholder, fails to furnish money, goods, property,

1 services or anything else of value which he represents in
2 writing to the issuer that he has furnished is guilty of a
3 Class A misdemeanor if the difference between the value of all
4 money, goods, property, services and anything else of value
5 actually furnished and the value represented to the issuer to
6 have been furnished does not exceed \$150 in any 6-month period;
7 and is guilty of a Class 4 felony if such difference exceeds
8 \$150 in any 6-month period.

9 (720 ILCS 5/17-48 new)

10 Sec. 17-48. Repeat offenses. Any person convicted of a
11 second or subsequent offense under this Subdivision 25 is
12 guilty of a Class 3 felony.

13 For purposes of this Section, an offense is considered a
14 second or subsequent offense if, prior to his or her conviction
15 of the offense, the offender has at any time been convicted
16 under this Subdivision 25, or under any prior Act, or under any
17 law of the United States or of any state relating to credit
18 card or debit card offenses.

19 (720 ILCS 5/17-49 new)

20 Sec. 17-49. Severability. If any provision of this
21 Subdivision 25 or its application to any person or
22 circumstances is held invalid, the invalidity shall not affect
23 other provisions or applications of this Subdivision 25 which
24 can be given effect without the invalid provision or

1 application, and to this end the provisions of this Subdivision
2 25 are declared to be severable.

3 (720 ILCS 5/17-49.5 new)

4 Sec. 17-49.5. Telephone Charge Fraud Act unaffected.
5 Nothing contained in this Subdivision 25 shall be construed to
6 repeal, amend, or otherwise affect the Telephone Charge Fraud
7 Act.

8 (720 ILCS 5/Art. 17, Subdiv. 30 heading new)

9 SUBDIVISION 30. COMPUTER FRAUD

10 (720 ILCS 5/17-50) (was 720 ILCS 5/16D-5 and 5/16D-6)

11 Sec. 17-50 ~~16D-5~~. Computer fraud ~~Fraud~~.

12 (a) A person commits ~~the offense of~~ computer fraud when he
13 or she knowingly:

14 (1) Accesses or causes to be accessed a computer or any
15 part thereof, or a program or data, with the intent ~~for the~~
16 ~~purpose~~ of devising or executing any scheme or,~~r~~ artifice to
17 defraud, or as part of a deception;

18 (2) Obtains use of, damages, or destroys a computer or
19 any part thereof, or alters, deletes, or removes any
20 program or data contained therein, in connection with any
21 scheme or,~~r~~ artifice to defraud, or as part of a deception;
22 or

23 (3) Accesses or causes to be accessed a computer or any

1 part thereof, or a program or data, and obtains money or
2 control over any such money, property, or services of
3 another in connection with any scheme or artifice to
4 defraud, or as part of a deception.

5 (b) Sentence.

6 (1) A violation of subdivision ~~person who commits the~~
7 ~~offense of computer fraud as set forth in subsection~~ (a) (1)
8 of this Section is ~~shall be guilty of~~ a Class 4 felony.

9 (2) A violation of subdivision ~~person who commits the~~
10 ~~offense of computer fraud as set forth in subsection~~ (a) (2)
11 of this Section is ~~shall be guilty of~~ a Class 3 felony.

12 (3) A violation of subdivision ~~person who commits the~~
13 ~~offense of computer fraud as set forth in subsection~~ (a) (3)
14 of this Section ~~shall~~:

15 (i) is ~~be guilty of~~ a Class 4 felony if the value
16 of the money, property, or services is \$1,000 or less;
17 or

18 (ii) is ~~be guilty of~~ a Class 3 felony if the value
19 of the money, property, or services is more than \$1,000
20 but less than \$50,000; or

21 (iii) is ~~be guilty of~~ a Class 2 felony if the value
22 of the money, property, or services is \$50,000 or more.

23 (c) Sec. 16D-6. Forfeiture of property. Any person who
24 commits ~~the offense of~~ computer fraud as set forth in
25 subsection (a) ~~Section 16D-5~~ is subject to the property
26 forfeiture provisions set forth in Article 124B of the Code of

1 Criminal Procedure of 1963.

2 (Source: P.A. 85-926; 96-712, eff. 1-1-10.)

3 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

4 Sec. 17-51 ~~16D-3~~. Computer tampering ~~Tampering~~.

5 (a) A person commits ~~the offense of~~ computer tampering when
6 he or she knowingly and without the authorization of a
7 computer's owner, ~~as defined in Section 15-2 of this Code,~~ or
8 in excess of the authority granted to him or her:

9 (1) Accesses or causes to be accessed a computer or any
10 part thereof, a computer network, or a program or data;

11 (2) Accesses or causes to be accessed a computer or any
12 part thereof, a computer network, or a program or data, and
13 obtains data or services;

14 (3) Accesses or causes to be accessed a computer or any
15 part thereof, a computer network, or a program or data, and
16 damages or destroys the computer or alters, deletes, or
17 removes a computer program or data;

18 (4) Inserts or attempts to insert a "program" into a
19 computer or computer program knowing or having reason to
20 know ~~believe~~ that such "program" contains information or
21 commands that will or may:

22 (A) damage or destroy that computer, or any other
23 computer subsequently accessing or being accessed by
24 that computer; ~~or that will or may~~

25 (B) alter, delete, or remove a computer program or

1 data from that computer, or any other computer program
2 or data in a computer subsequently accessing or being
3 accessed by that computer; ~~or, or that will or may~~

4 (C) cause loss to the users of that computer or the
5 users of a computer which accesses or which is accessed
6 by such "program"; or

7 (5) Falsifies or forges electronic mail transmission
8 information or other routing information in any manner in
9 connection with the transmission of unsolicited bulk
10 electronic mail through or into the computer network of an
11 electronic mail service provider or its subscribers.

12 (a-5) Distributing software to falsify routing
13 information. It ~~is shall be~~ unlawful for any person knowingly
14 to sell, give, or otherwise distribute or possess with the
15 intent to sell, give, or distribute software which:

16 (1) is primarily designed or produced for the purpose
17 of facilitating or enabling the falsification of
18 electronic mail transmission information or other routing
19 information;

20 (2) has only a limited commercially significant
21 purpose or use other than to facilitate or enable the
22 falsification of electronic mail transmission information
23 or other routing information; or

24 (3) is marketed by that person or another acting in
25 concert with that person with that person's knowledge for
26 use in facilitating or enabling the falsification of

1 electronic mail transmission information or other routing
2 information.

3 (a-10) For purposes of subsection (a), accessing a computer
4 network is deemed to be with the authorization of a computer's
5 owner if:

6 (1) the owner authorizes patrons, customers, or guests
7 to access the computer network and the person accessing the
8 computer network is an authorized patron, customer, or
9 guest and complies with all terms or conditions for use of
10 the computer network that are imposed by the owner; or

11 (2) the owner authorizes the public to access the
12 computer network and the person accessing the computer
13 network complies with all terms or conditions for use of
14 the computer network that are imposed by the owner.

15 (b) Sentence.

16 (1) A person who commits ~~the offense of~~ computer
17 tampering as set forth in subdivision ~~subsection~~ (a) (1) ~~or~~
18 (a) (5) ~~or~~ subsection (a-5) of this Section is ~~shall be~~
19 guilty of a Class B misdemeanor.

20 (2) A person who commits ~~the offense of~~ computer
21 tampering as set forth in subdivision ~~subsection~~ (a) (2) of
22 this Section is ~~shall be~~ guilty of a Class A misdemeanor
23 and a Class 4 felony for the second or subsequent offense.

24 (3) A person who commits ~~the offense of~~ computer
25 tampering as set forth in subdivision ~~subsection~~ (a) (3) or
26 ~~subsection~~ (a) (4) of this Section is ~~shall be~~ guilty of a

1 Class 4 felony and a Class 3 felony for the second or
2 subsequent offense.

3 (4) If an ~~the~~ injury arises from the transmission of
4 unsolicited bulk electronic mail, the injured person,
5 other than an electronic mail service provider, may also
6 recover attorney's fees and costs, and may elect, in lieu
7 of actual damages, to recover the lesser of \$10 for each
8 ~~and every~~ unsolicited bulk electronic mail message
9 transmitted in violation of this Section, or \$25,000 per
10 day. The injured person shall not have a cause of action
11 against the electronic mail service provider that merely
12 transmits the unsolicited bulk electronic mail over its
13 computer network.

14 (5) If an ~~the~~ injury arises from the transmission of
15 unsolicited bulk electronic mail, an injured electronic
16 mail service provider may also recover attorney's fees and
17 costs, and may elect, in lieu of actual damages, to recover
18 the greater of \$10 for each ~~and every~~ unsolicited
19 electronic mail advertisement transmitted in violation of
20 this Section, or \$25,000 per day.

21 (6) The provisions of this Section shall not be
22 construed to limit any person's right to pursue any
23 additional civil remedy otherwise allowed by law.

24 (c) Whoever suffers loss by reason of a violation of
25 subdivision ~~subsection~~ (a) (4) of this Section may, in a civil
26 action against the violator, obtain appropriate relief. In a

1 civil action under this Section, the court may award to the
2 prevailing party reasonable attorney's fees and other
3 litigation expenses.

4 (Source: P.A. 95-326, eff. 1-1-08; 96-1000, eff. 7-2-10.)

5 (720 ILCS 5/17-52) (was 720 ILCS 5/16D-4)

6 Sec. 17-52 ~~16D-4~~. Aggravated computer tampering ~~Computer~~
7 ~~Tampering~~.

8 (a) A person commits aggravated computer tampering when he
9 or she commits ~~the offense of~~ computer tampering as set forth
10 in paragraph subsection (a) (3) of Section 17-51 ~~16D-3~~ and he or
11 she knowingly:

12 (1) causes disruption of or interference with vital
13 services or operations of State or local government or a
14 public utility; or

15 (2) creates a strong probability of death or great
16 bodily harm to one or more individuals.

17 (b) Sentence.

18 (1) A person who commits ~~the offense of~~ aggravated
19 computer tampering as set forth in paragraph subsection
20 (a)(1) of this Section is ~~shall be~~ guilty of a Class 3
21 felony.

22 (2) A person who commits ~~the offense of~~ aggravated
23 computer tampering as set forth in paragraph subsection
24 (a)(2) of this Section is ~~shall be~~ guilty of a Class 2
25 felony.

1 (Source: P.A. 86-820.)

2 (720 ILCS 5/17-52.5) (was 720 ILCS 5/16D-5.5)

3 Sec. 17-52.5 ~~16D-5.5~~. Unlawful use of encryption.

4 (a) For the purpose of this Section:

5 ~~"Access" means to intercept, instruct, communicate~~
6 ~~with, store data in, retrieve from, or otherwise make use~~
7 ~~of any resources of a computer, network, or data.~~

8 "Computer" means an electronic device which performs
9 logical, arithmetic, and memory functions by manipulations
10 of electronic or magnetic impulses and includes all
11 equipment related to the computer in a system or network.

12 "Computer contaminant" means any data, information,
13 image, program, signal, or sound that is designated or has
14 the capability to: (1) contaminate, corrupt, consume,
15 damage, destroy, disrupt, modify, record, or transmit; or
16 (2) cause to be contaminated, corrupted, consumed,
17 damaged, destroyed, disrupted, modified, recorded, or
18 transmitted, any other data, information, image, program,
19 signal, or sound contained in a computer, system, or
20 network without the knowledge or consent of the person who
21 owns the other data, information, image, program, signal,
22 or sound or the computer, system, or network.

23 "Computer contaminant" includes, without limitation:
24 (1) a virus, worm, or Trojan horse; (2) spyware that tracks
25 computer activity and is capable of recording and

1 transmitting such information to third parties; or (3) any
2 other similar data, information, image, program, signal,
3 or sound that is designed or has the capability to prevent,
4 impede, delay, or disrupt the normal operation or use of
5 any component, device, equipment, system, or network.

6 ~~"Data" means a representation in any form of~~
7 ~~information, knowledge, facts, concepts, or instructions~~
8 ~~which is being prepared or has been formally prepared and~~
9 ~~is intended to be processed, is being processed or has been~~
10 ~~processed in a system or network.~~

11 "Encryption" means the use of any protective or
12 disruptive measure, including, without limitation,
13 cryptography, enciphering, encoding, or a computer
14 contaminant, to: (1) prevent, impede, delay, or disrupt
15 access to any data, information, image, program, signal, or
16 sound; (2) cause or make any data, information, image,
17 program, signal, or sound unintelligible or unusable; or
18 (3) prevent, impede, delay, or disrupt the normal operation
19 or use of any component, device, equipment, system, or
20 network.

21 "Network" means a set of related, remotely connected
22 devices and facilities, including more than one system,
23 with the capability to transmit data among any of the
24 devices and facilities. The term includes, without
25 limitation, a local, regional, or global computer network.

26 "Program" means an ordered set of data representing

1 coded instructions or statements which can be executed by a
2 computer and cause the computer to perform one or more
3 tasks.

4 "System" means a set of related equipment, whether or
5 not connected, which is used with or for a computer.

6 (b) A person shall not knowingly use or attempt to use
7 encryption, directly or indirectly, to:

8 (1) commit, facilitate, further, or promote any
9 criminal offense;

10 (2) aid, assist, or encourage another person to commit
11 any criminal offense;

12 (3) conceal evidence of the commission of any criminal
13 offense; or

14 (4) conceal or protect the identity of a person who has
15 committed any criminal offense.

16 (c) Telecommunications carriers and information service
17 providers are not liable under this Section, except for willful
18 and wanton misconduct, for providing encryption services used
19 by others in violation of this Section.

20 (d) Sentence. A person who violates this Section is guilty
21 of a Class A misdemeanor, unless the encryption was used or
22 attempted to be used to commit an offense for which a greater
23 penalty is provided by law. If the encryption was used or
24 attempted to be used to commit an offense for which a greater
25 penalty is provided by law, the person shall be punished as
26 prescribed by law for that offense.

1 (e) A person who violates this Section commits a criminal
2 offense that is separate and distinct from any other criminal
3 offense and may be prosecuted and convicted under this Section
4 whether or not the person or any other person is or has been
5 prosecuted or convicted for any other criminal offense arising
6 out of the same facts as the violation of this Section.

7 (Source: P.A. 95-942, eff. 1-1-09.)

8 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

9 Sec. 17-54 ~~16D-7~~. Evidence of lack of Rebuttable
10 Presumption -- without authority. For the purposes of Sections
11 17-50 through 17-52, the trier of fact may infer that a person
12 accessed a computer without the authorization of its owner or
13 in excess of the authority granted if the ~~In the event that a~~
14 person accesses or causes to be accessed a computer, which
15 access requires a confidential or proprietary code which has
16 not been issued to or authorized for use by that person,~~a~~
17 ~~rebuttable presumption exists that the computer was accessed~~
18 ~~without the authorization of its owner or in excess of the~~
19 ~~authority granted.~~

20 (Source: P.A. 85-926.)

21 (720 ILCS 5/17-55 new)

22 Sec. 17-55. Definitions. For the purposes of Sections 17-50
23 through 17-53:

24 In addition to its meaning as defined in Section 15-1 of

1 this Code, "property" means: (1) electronic impulses; (2)
2 electronically produced data; (3) confidential, copyrighted,
3 or proprietary information; (4) private identification codes
4 or numbers which permit access to a computer by authorized
5 computer users or generate billings to consumers for purchase
6 of goods and services, including but not limited to credit card
7 transactions and telecommunications services or permit
8 electronic fund transfers; (5) software or programs in either
9 machine or human readable form; or (6) any other tangible or
10 intangible item relating to a computer or any part thereof.

11 "Access" means to use, instruct, communicate with, store
12 data in, retrieve or intercept data from, or otherwise utilize
13 any services of, a computer, a network, or data.

14 "Services" includes but is not limited to computer time,
15 data manipulation, or storage functions.

16 "Vital services or operations" means those services or
17 operations required to provide, operate, maintain, and repair
18 network cabling, transmission, distribution, or computer
19 facilities necessary to ensure or protect the public health,
20 safety, or welfare. Those services or operations include, but
21 are not limited to, services provided by medical personnel or
22 institutions, fire departments, emergency services agencies,
23 national defense contractors, armed forces or militia
24 personnel, private and public utility companies, or law
25 enforcement agencies.

1 (720 ILCS 5/Art. 17, Subdiv. 35 heading new)

2 SUBDIVISION 35. MISCELLANEOUS SPECIAL FRAUD

3 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

4 Sec. 17-56 ~~16-1.3~~. Financial exploitation of an elderly
5 person or a person with a disability.

6 (a) A person commits ~~the offense of~~ financial exploitation
7 of an elderly person or a person with a disability when he or
8 she stands in a position of trust or confidence with the
9 elderly person or a person with a disability and he or she
10 knowingly and by deception or intimidation obtains control over
11 the property of an elderly person or a person with a disability
12 or illegally uses the assets or resources of an elderly person
13 or a person with a disability. ~~The illegal use of the assets or~~
14 ~~resources of an elderly person or a person with a disability~~
15 ~~includes, but is not limited to, the misappropriation of those~~
16 ~~assets or resources by undue influence, breach of a fiduciary~~
17 ~~relationship, fraud, deception, extortion, or use of the assets~~
18 ~~or resources contrary to law.~~

19 (b) Sentence. Financial exploitation of an elderly person
20 or a person with a disability is: (1) a Class 4 felony if the
21 value of the property is \$300 or less, (2) a Class 3 felony if
22 the value of the property is more than \$300 but less than
23 \$5,000, (3) a Class 2 felony if the value of the property is
24 \$5,000 or more but less than \$100,000, and (4) a Class 1 felony
25 if the value of the property is \$100,000 or more or if the

1 elderly person is over 70 years of age and the value of the
2 property is \$15,000 or more or if the elderly person is 80
3 years of age or older and the value of the property is \$5,000
4 or more.

5 (c) ~~(b)~~ For purposes of this Section:

6 (1) "Elderly person" means a person 60 years of age or
7 older.

8 (2) "Person with a disability" means a person who
9 suffers from a physical or mental impairment resulting from
10 disease, injury, functional disorder or congenital
11 condition that impairs the individual's mental or physical
12 ability to independently manage his or her property or
13 financial resources, or both.

14 (3) "Intimidation" means the communication to an
15 elderly person or a person with a disability that he or she
16 shall be deprived of food and nutrition, shelter,
17 prescribed medication or medical care and treatment.

18 (4) "Deception" means, in addition to its meaning as
19 defined in Section 15-4 of this Code, a misrepresentation
20 or concealment of material fact relating to the terms of a
21 contract or agreement entered into with the elderly person
22 or person with a disability or to the existing or
23 pre-existing condition of any of the property involved in
24 such contract or agreement; or the use or employment of any
25 misrepresentation, false pretense or false promise in
26 order to induce, encourage or solicit the elderly person or

1 person with a disability to enter into a contract or
2 agreement.

3 The illegal use of the assets or resources of an elderly
4 person or a person with a disability includes, but is not
5 limited to, the misappropriation of those assets or resources
6 by undue influence, breach of a fiduciary relationship, fraud,
7 deception, extortion, or use of the assets or resources
8 contrary to law.

9 A ~~(c) For purposes of this Section,~~ a person stands in a
10 position of trust and confidence with an elderly person or
11 person with a disability when he (i) ~~(1)~~ is a parent, spouse,
12 adult child or other relative by blood or marriage of the
13 elderly person or person with a disability, (ii) ~~(2)~~ is a joint
14 tenant or tenant in common with the elderly person or person
15 with a disability, (iii) ~~(3)~~ has a legal or fiduciary
16 relationship with the elderly person or person with a
17 disability, or (iv) ~~(4)~~ is a financial planning or investment
18 professional.

19 (d) Limitations. Nothing in this Section shall be construed
20 to limit the remedies available to the victim under the
21 Illinois Domestic Violence Act of 1986.

22 (e) Good faith efforts. Nothing in this Section shall be
23 construed to impose criminal liability on a person who has made
24 a good faith effort to assist the elderly person or person with
25 a disability in the management of his or her property, but
26 through no fault of his or her own has been unable to provide

1 such assistance.

2 (f) Not a defense. It shall not be a defense to financial
3 exploitation of an elderly person or person with a disability
4 that the accused reasonably believed that the victim was not an
5 elderly person or person with a disability.

6 (g) Civil Liability. A person who is charged by information
7 or indictment with the offense of financial exploitation of an
8 elderly person or person with a disability and who fails or
9 refuses to return the victim's property within 60 days
10 following a written demand from the victim or the victim's
11 legal representative shall be liable to the victim or to the
12 estate of the victim in damages of treble the amount of the
13 value of the property obtained, plus reasonable attorney fees
14 and court costs. The burden of proof that the defendant
15 unlawfully obtained the victim's property shall be by a
16 preponderance of the evidence. This subsection shall be
17 operative whether or not the defendant has been convicted of
18 the offense.

19 (Source: P.A. 95-798, eff. 1-1-09.)

20 (720 ILCS 5/17-57) (was 720 ILCS 5/17-28)

21 Sec. 17-57 ~~17-28~~. Defrauding drug and alcohol screening
22 tests.

23 (a) It is unlawful for a person to:

24 (1) manufacture, sell, give away, distribute, or
25 market synthetic or human substances or other products in

1 this State or transport urine into this State with the
2 intent of using the synthetic or human substances or other
3 products to defraud a drug or alcohol screening test;

4 (2) substitute or spike a sample or advertise a sample
5 substitution or other spiking device or measure, with the
6 intent of attempting ~~attempt~~ to foil or defeat a drug or
7 alcohol screening test ~~by the substitution or spiking of a~~
8 ~~sample or the advertisement of a sample substitution or~~
9 ~~other spiking device or measure;~~

10 (3) adulterate synthetic or human substances with the
11 intent to defraud a drug or alcohol screening test; or

12 (4) manufacture, sell, or possess adulterants that are
13 intended to be used to adulterate synthetic or human
14 substances with the intent ~~for the purpose~~ of defrauding a
15 drug or alcohol screening test.

16 (b) ~~The~~ ~~For the purpose of determining the intent of the~~
17 ~~defendant who is charged with a violation of this Section, the~~
18 trier of fact may infer intent to violate this Section if ~~take~~
19 ~~into consideration whether or not~~ a heating element or any
20 other device used to thwart a drug or alcohol screening test
21 accompanies the sale, giving, distribution, or marketing of
22 synthetic or human substances or other products or ~~whether or~~
23 ~~not~~ instructions that provide a method for thwarting a drug or
24 alcohol screening test accompany the sale, giving,
25 distribution, or marketing of synthetic or human substances or
26 other products.

1 (c) Sentence. A violation of this Section is a Class 4
2 felony for which the court shall impose a minimum fine of
3 \$1,000.

4 (d) For the purposes of this Section, "drug or alcohol
5 screening test" includes, but is not limited to, urine testing,
6 hair follicle testing, perspiration testing, saliva testing,
7 blood testing, fingernail testing, and eye drug testing.

8 (Source: P.A. 93-691, eff. 7-9-04.)

9 (720 ILCS 5/17-58) (was 720 ILCS 5/17-16)

10 Sec. 17-58 ~~17-16~~. Fraudulent production of infant. A person
11 who fraudulently produces an infant, falsely pretending it to
12 have been born of parents whose child would be entitled to a
13 share of a personal estate, or to inherit real estate, with the
14 intent of intercepting the inheritance of the real estate, or
15 the distribution of the personal property from a person
16 lawfully entitled to the personal property, is guilty of a
17 Class 3 felony.

18 (Source: P.A. 89-234, eff. 1-1-96.)

19 (720 ILCS 5/17-59) (was 720 ILCS 5/39-1)

20 Sec. 17-59 ~~39-1~~. Criminal usury ~~Usury~~.

21 (a) A ~~Any~~ person commits criminal usury when, in exchange
22 for either a loan of money or other property or forbearance
23 from the collection of such a loan, he or she knowingly
24 contracts for or receives from an individual, directly or

1 indirectly, interest, discount, or other consideration at a
2 rate greater than 20% per annum either before or after the
3 maturity of the loan.

4 (b) When a person has in his or her personal or
5 constructive possession records, memoranda, or other
6 documentary record of usurious loans, the trier of fact may
7 infer ~~it shall be prima facie evidence~~ that he or she has
8 violated subsection (a) of this Section ~~Subsection 39-1(a)~~
9 hereof.

10 (c) Sentence. Criminal usury is a Class 4 felony.

11 (d) Non-application to licensed persons. This Section does
12 not apply to any loan authorized to be made by any person
13 licensed under the Consumer Installment Loan Act or to any loan
14 permitted by Sections 4, 4.2 and 4a of the Interest Act or by
15 any other law of this State.

16 (Source: P.A. 76-1879.)

17 (720 ILCS 5/17-60) (was 720 ILCS 5/17-7)

18 Sec. 17-60 ~~17-7~~. Promotion of pyramid sales schemes.

19 (a) A person who knowingly sells, offers to sell, or
20 attempts to sell the right to participate in a pyramid sales
21 scheme commits a Class A misdemeanor.

22 (b) ~~(a)~~ The term "pyramid sales scheme" means any plan or
23 operation whereby a person, in exchange for money or other
24 thing of value, acquires the opportunity to receive a benefit
25 or thing of value, which is primarily based upon the inducement

1 of additional persons, by himself or others, regardless of
2 number, to participate in the same plan or operation and is not
3 primarily contingent on the volume or quantity of goods,
4 services, or other property sold or distributed or to be sold
5 or distributed to persons for purposes of resale to consumers.
6 For purposes of this subsection, "money or other thing of
7 value" shall not include payments made for sales demonstration
8 equipment and materials furnished on a nonprofit basis for use
9 in making sales and not for resale.

10 ~~(b) Any person who knowingly sells, offers to sell, or~~
11 ~~attempts to sell the right to participate in a pyramid sales~~
12 ~~scheme commits a Class A misdemeanor.~~

13 (Source: P.A. 83-808.)

14 (720 ILCS 5/17-61 new)

15 Sec. 17-61. Unauthorized use of university stationery.

16 (a) No person, firm or corporation shall use the official
17 stationery or seal or a facsimile thereof, of any State
18 supported university, college or other institution of higher
19 education or any organization thereof unless approved in
20 writing in advance by the university, college or institution of
21 higher education affected, for any private promotional scheme
22 wherein it is made to appear that the organization or
23 university, college or other institution of higher education is
24 endorsing the private promotional scheme.

25 (b) A violation of this Section is a petty offense.

1 (720 ILCS 5/17-62 new)

2 Sec. 17-62. Unlawful possession of device for
3 manufacturing a false universal price code label. It is
4 unlawful for a person to knowingly possess a device the purpose
5 of which is to manufacture a false, counterfeit, altered, or
6 simulated universal price code label. A violation of this
7 Section is a Class 3 felony.

8 (720 ILCS 5/16D-2 rep.)

9 (720 ILCS 5/Art. 16H rep.)

10 (720 ILCS 5/17-1a rep.)

11 (720 ILCS 5/17-2.5 rep.)

12 (720 ILCS 5/17-4 rep.)

13 (720 ILCS 5/17-8 rep.)

14 (720 ILCS 5/17-10 rep.)

15 (720 ILCS 5/17-11.1 rep.)

16 (720 ILCS 5/17-12 rep.)

17 (720 ILCS 5/17-14 rep.)

18 (720 ILCS 5/17-15 rep.)

19 (720 ILCS 5/17-18 rep.)

20 (720 ILCS 5/17-19 rep.)

21 (720 ILCS 5/17-23 rep.)

22 (720 ILCS 5/Art. 17A rep.)

23 (720 ILCS 5/17B-1 rep.)

24 (720 ILCS 5/17B-5 rep.)

- 1 (720 ILCS 5/17B-10 rep.)
- 2 (720 ILCS 5/17B-15 rep.)
- 3 (720 ILCS 5/17B-20 rep.)
- 4 (720 ILCS 5/17B-25 rep.)
- 5 (720 ILCS 5/17B-30 rep.)
- 6 (720 ILCS 5/32-5 rep.)
- 7 (720 ILCS 5/32-5.1 rep.)
- 8 (720 ILCS 5/32-5.1-1 rep.)
- 9 (720 ILCS 5/32-5.2 rep.)
- 10 (720 ILCS 5/32-5.2-5 rep.)
- 11 (720 ILCS 5/32-5.3 rep.)
- 12 (720 ILCS 5/32-5.4 rep.)
- 13 (720 ILCS 5/32-5.4-1 rep.)
- 14 (720 ILCS 5/32-5.5 rep.)
- 15 (720 ILCS 5/32-5.6 rep.)
- 16 (720 ILCS 5/32-5.7 rep.)
- 17 (720 ILCS 5/Art. 33C rep.)
- 18 (720 ILCS 5/Art. 39 heading rep.)
- 19 (720 ILCS 5/39-2 rep.)
- 20 (720 ILCS 5/39-3 rep.)
- 21 (720 ILCS 5/Art. 46 rep.)

22 Section 5-6. The Criminal Code of 1961 is amended by
23 repealing Article 16H, Article 17A, Article 33C, Article 46,
24 the heading of Article 39, and Sections 16D-2, 17-1a, 17-2.5,
25 17-4, 17-8, 17-10, 17-11.1, 17-12, 17-14, 17-15, 17-18, 17-19,
26 17-23, 17B-1, 17B-5, 17B-10, 17B-15, 17B-20, 17B-25, 17B-30,

1 32-5, 32-5.1, 32-5.1-1, 32-5.2, 32-5.2-5, 32-5.3, 32-5.4,
2 32-5.4-1, 32-5.5, 32-5.6, 32-5.7, 39-2, and 39-3.

3 (720 ILCS 240/Act rep.)

4 Section 5-10. The Conditional Sales Protection Act is
5 repealed.

6 (720 ILCS 245/Act rep.)

7 Section 5-12. The Construction Equipment Identification
8 Defacement Act is repealed.

9 (720 ILCS 250/Act rep.)

10 Section 5-15. The Illinois Credit Card and Debit Card Act
11 is repealed.

12 (720 ILCS 290/Act rep.)

13 Section 5-20. The Deceptive Sale of Gold and Silver Act is
14 repealed.

15 (720 ILCS 295/Act rep.)

16 Section 5-25. The Deceptive Advertising Act is repealed.

17 (720 ILCS 305/Act rep.)

18 Section 5-30. The Gasoline Price Advertising Act is
19 repealed.

1 (720 ILCS 325/Act rep.)

2 Section 5-35. The Insurance Claims for Excessive Charges
3 Act is repealed.

4 (720 ILCS 335/Act rep.)

5 Section 5-37. The Marks and Serial Numbers Act is repealed.

6 (720 ILCS 390/Act rep.)

7 Section 5-40. The Use of University Stationery Act is
8 repealed.

9 Article 10.

10 Section 10-5. The Department of Revenue Law of the Civil
11 Administrative Code of Illinois is amended by changing Section
12 2505-400 as follows:

13 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

14 Sec. 2505-400. Contracts for collection assistance.

15 (a) The Department has the power to contract for collection
16 assistance on a contingent fee basis, with collection fees to
17 be retained by the collection agency and the net collections to
18 be paid to the Department. In the case of any liability
19 referred to a collection agency on or after July 1, 2003, any
20 fee charged to the State by the collection agency shall be
21 considered additional State tax of the taxpayer imposed under

1 the Act under which the tax being collected was imposed, shall
2 be deemed assessed at the time payment of the tax is made to
3 the collection agency, and shall be separately stated in any
4 statement or notice of the liability issued by the collection
5 agency to the taxpayer.

6 (b) The Department has the power to enter into written
7 agreements with State's Attorneys for pursuit of civil
8 liability under subsection (E) of Section 17-1 ~~17-1a~~ of the
9 Criminal Code of 1961 against persons who have issued to the
10 Department checks or other orders in violation of the
11 provisions of paragraph (1) ~~(d)~~ of subsection (B) of Section
12 17-1 of the Criminal Code of 1961. Of the amount collected, the
13 Department shall retain the amount owing upon the dishonored
14 check or order along with the dishonored check fee imposed
15 under the Uniform Penalty and Interest Act. The balance of
16 damages, fees, and costs collected under subsection (E) of
17 Section 17-1 ~~17-1a~~ of the Criminal Code of 1961 or under
18 Section 17-1a of that Code shall be retained by the State's
19 Attorney. The agreement shall not affect the allocation of
20 fines and costs imposed in any criminal prosecution.

21 (c) The Department may issue the Secretary of the Treasury
22 of the United States (or his or her delegate) notice, as
23 required by Section 6402(e) of the Internal Revenue Code, of
24 any past due, legally enforceable State income tax obligation
25 of a taxpayer. The Department must notify the taxpayer that any
26 fee charged to the State by the Secretary of the Treasury of

1 the United States (or his or her delegate) under Internal
2 Revenue Code Section 6402(e) is considered additional State
3 income tax of the taxpayer with respect to whom the Department
4 issued the notice, and is deemed assessed upon issuance by the
5 Department of notice to the Secretary of the Treasury of the
6 United States (or his or her delegate) under Section 6402(e) of
7 the Internal Revenue Code; a notice of additional State income
8 tax is not considered a notice of deficiency, and the taxpayer
9 has no right of protest.

10 (Source: P.A. 92-492, eff. 1-1-02; 93-25, eff. 6-20-03.)

11 Section 10-10. The Counties Code is amended by changing
12 Section 3-9005 as follows:

13 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

14 Sec. 3-9005. Powers and duties of State's attorney.

15 (a) The duty of each State's attorney shall be:

16 (1) To commence and prosecute all actions, suits,
17 indictments and prosecutions, civil and criminal, in the
18 circuit court for his county, in which the people of the
19 State or county may be concerned.

20 (2) To prosecute all forfeited bonds and
21 recognizances, and all actions and proceedings for the
22 recovery of debts, revenues, moneys, fines, penalties and
23 forfeitures accruing to the State or his county, or to any
24 school district or road district in his county; also, to

1 prosecute all suits in his county against railroad or
2 transportation companies, which may be prosecuted in the
3 name of the People of the State of Illinois.

4 (3) To commence and prosecute all actions and
5 proceedings brought by any county officer in his official
6 capacity.

7 (4) To defend all actions and proceedings brought
8 against his county, or against any county or State officer,
9 in his official capacity, within his county.

10 (5) To attend the examination of all persons brought
11 before any judge on habeas corpus, when the prosecution is
12 in his county.

13 (6) To attend before judges and prosecute charges of
14 felony or misdemeanor, for which the offender is required
15 to be recognized to appear before the circuit court, when
16 in his power so to do.

17 (7) To give his opinion, without fee or reward, to any
18 county officer in his county, upon any question or law
19 relating to any criminal or other matter, in which the
20 people or the county may be concerned.

21 (8) To assist the attorney general whenever it may be
22 necessary, and in cases of appeal from his county to the
23 Supreme Court, to which it is the duty of the attorney
24 general to attend, he shall furnish the attorney general at
25 least 10 days before such is due to be filed, a manuscript
26 of a proposed statement, brief and argument to be printed

1 and filed on behalf of the people, prepared in accordance
2 with the rules of the Supreme Court. However, if such
3 brief, argument or other document is due to be filed by law
4 or order of court within this 10 day period, then the
5 State's attorney shall furnish such as soon as may be
6 reasonable.

7 (9) To pay all moneys received by him in trust, without
8 delay, to the officer who by law is entitled to the custody
9 thereof.

10 (10) To notify, by first class mail, complaining
11 witnesses of the ultimate disposition of the cases arising
12 from an indictment or an information.

13 (11) To perform such other and further duties as may,
14 from time to time, be enjoined on him by law.

15 (12) To appear in all proceedings by collectors of
16 taxes against delinquent taxpayers for judgments to sell
17 real estate, and see that all the necessary preliminary
18 steps have been legally taken to make the judgment legal
19 and binding.

20 (13) To notify, by first-class mail, the State
21 Superintendent of Education, the applicable regional
22 superintendent of schools, and the superintendent of the
23 employing school district or the chief school
24 administrator of the employing nonpublic school, if any,
25 upon the conviction of any individual known to possess a
26 certificate issued pursuant to Article 21 of the School

1 Code of any offense set forth in Section 21-23a of the
2 School Code or any other felony conviction, providing the
3 name of the certificate holder, the fact of the conviction,
4 and the name and location of the court where the conviction
5 occurred. The certificate holder must also be
6 contemporaneously sent a copy of the notice.

7 (b) The State's Attorney of each county shall have
8 authority to appoint one or more special investigators to serve
9 subpoenas, make return of process and conduct investigations
10 which assist the State's Attorney in the performance of his
11 duties. A special investigator shall not carry firearms except
12 with permission of the State's Attorney and only while carrying
13 appropriate identification indicating his employment and in
14 the performance of his assigned duties.

15 Subject to the qualifications set forth in this subsection,
16 special investigators shall be peace officers and shall have
17 all the powers possessed by investigators under the State's
18 Attorneys Appellate Prosecutor's Act.

19 No special investigator employed by the State's Attorney
20 shall have peace officer status or exercise police powers
21 unless he or she successfully completes the basic police
22 training course mandated and approved by the Illinois Law
23 Enforcement Training Standards Board or such board waives the
24 training requirement by reason of the special investigator's
25 prior law enforcement experience or training or both. Any
26 State's Attorney appointing a special investigator shall

1 consult with all affected local police agencies, to the extent
2 consistent with the public interest, if the special
3 investigator is assigned to areas within that agency's
4 jurisdiction.

5 Before a person is appointed as a special investigator, his
6 fingerprints shall be taken and transmitted to the Department
7 of State Police. The Department shall examine its records and
8 submit to the State's Attorney of the county in which the
9 investigator seeks appointment any conviction information
10 concerning the person on file with the Department. No person
11 shall be appointed as a special investigator if he has been
12 convicted of a felony or other offense involving moral
13 turpitude. A special investigator shall be paid a salary and be
14 reimbursed for actual expenses incurred in performing his
15 assigned duties. The county board shall approve the salary and
16 actual expenses and appropriate the salary and expenses in the
17 manner prescribed by law or ordinance.

18 (c) The State's Attorney may request and receive from
19 employers, labor unions, telephone companies, and utility
20 companies location information concerning putative fathers and
21 noncustodial parents for the purpose of establishing a child's
22 paternity or establishing, enforcing, or modifying a child
23 support obligation. In this subsection, "location information"
24 means information about (i) the physical whereabouts of a
25 putative father or noncustodial parent, (ii) the putative
26 father or noncustodial parent's employer, or (iii) the salary,

1 wages, and other compensation paid and the health insurance
2 coverage provided to the putative father or noncustodial parent
3 by the employer of the putative father or noncustodial parent
4 or by a labor union of which the putative father or
5 noncustodial parent is a member.

6 (d) For each State fiscal year, the State's Attorney of
7 Cook County shall appear before the General Assembly and
8 request appropriations to be made from the Capital Litigation
9 Trust Fund to the State Treasurer for the purpose of providing
10 assistance in the prosecution of capital cases in Cook County
11 and for the purpose of providing assistance to the State in
12 post-conviction proceedings in capital cases under Article 122
13 of the Code of Criminal Procedure of 1963 and in relation to
14 petitions filed under Section 2-1401 of the Code of Civil
15 Procedure in relation to capital cases. The State's Attorney
16 may appear before the General Assembly at other times during
17 the State's fiscal year to request supplemental appropriations
18 from the Trust Fund to the State Treasurer.

19 (e) The State's Attorney shall have the authority to enter
20 into a written agreement with the Department of Revenue for
21 pursuit of civil liability under subsection (E) of Section 17-1
22 ~~17-1a~~ of the Criminal Code of 1961 against persons who have
23 issued to the Department checks or other orders in violation of
24 the provisions of paragraph (1) ~~(d)~~ of subsection (B) of
25 Section 17-1 of the Criminal Code of 1961, with the Department
26 to retain the amount owing upon the dishonored check or order

1 along with the dishonored check fee imposed under the Uniform
2 Penalty and Interest Act, with the balance of damages, fees,
3 and costs collected under subsection (E) of Section 17-1 ~~17-1a~~
4 of the Criminal Code of 1961 or under Section 17-1a of that
5 Code to be retained by the State's Attorney. The agreement
6 shall not affect the allocation of fines and costs imposed in
7 any criminal prosecution.

8 (Source: P.A. 96-431, eff. 8-13-09.)

9 Section 10-15. The Acupuncture Practice Act is amended by
10 changing Section 117 as follows:

11 (225 ILCS 2/117)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 117. Suspension of license for failure to pay
14 restitution. The Department, without further process or
15 hearing, shall suspend the license or other authorization to
16 practice of any person issued under this Act who has been
17 certified by court order as not having paid restitution to a
18 person under Section 8A-3.5 of the Illinois Public Aid Code or
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
20 person whose license or other authorization to practice is
21 suspended under this Section is prohibited from practicing
22 until the restitution is made in full.

23 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-20. The Illinois Athletic Trainers Practice Act
2 is amended by changing Section 16.5 as follows:

3 (225 ILCS 5/16.5)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 16.5. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
12 person whose license or other authorization to practice is
13 suspended under this Section is prohibited from practicing
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-25. The Clinical Psychologist Licensing Act is
17 amended by changing Section 15.1 as follows:

18 (225 ILCS 15/15.1)

19 (Section scheduled to be repealed on January 1, 2017)

20 Sec. 15.1. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to
23 practice of any person issued under this Act who has been

1 certified by court order as not having paid restitution to a
2 person under Section 8A-3.5 of the Illinois Public Aid Code or
3 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
4 person whose license or other authorization to practice is
5 suspended under this Section is prohibited from practicing
6 until the restitution is made in full.

7 (Source: P.A. 94-577, eff. 1-1-06.)

8 Section 10-30. The Clinical Social Work and Social Work
9 Practice Act is amended by changing Section 19.5 as follows:

10 (225 ILCS 20/19.5)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 19.5. Suspension of license for failure to pay
13 restitution. The Department, without further process or
14 hearing, shall suspend the license or other authorization to
15 practice of any person issued under this Act who has been
16 certified by court order as not having paid restitution to a
17 person under Section 8A-3.5 of the Illinois Public Aid Code or
18 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
19 person whose license or other authorization to practice is
20 suspended under this Section is prohibited from practicing
21 until the restitution is made in full.

22 (Source: P.A. 94-577, eff. 1-1-06.)

23 Section 10-35. The Illinois Dental Practice Act is amended

1 by changing Section 23c as follows:

2 (225 ILCS 25/23c)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 23c. Suspension of license for failure to pay
5 restitution. The Department, without further process or
6 hearing, shall suspend the license or other authorization to
7 practice of any person issued under this Act who has been
8 certified by court order as not having paid restitution to a
9 person under Section 8A-3.5 of the Illinois Public Aid Code or
10 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
11 person whose license or other authorization to practice is
12 suspended under this Section is prohibited from practicing
13 until the restitution is made in full.

14 (Source: P.A. 94-577, eff. 1-1-06.)

15 Section 10-40. The Health Care Worker Background Check Act
16 is amended by changing Section 25 as follows:

17 (225 ILCS 46/25)

18 Sec. 25. Persons ineligible to be hired by health care
19 employers and long-term care facilities.

20 (a) In the discretion of the Director of Public Health, as
21 soon after January 1, 1996, January 1, 1997, January 1, 2006,
22 or October 1, 2007, as applicable, and as is reasonably
23 practical, no health care employer shall knowingly hire,

1 employ, or retain any individual in a position with duties
2 involving direct care for clients, patients, or residents, and
3 no long-term care facility shall knowingly hire, employ, or
4 retain any individual in a position with duties that involve or
5 may involve contact with residents or access to the living
6 quarters or the financial, medical, or personal records of
7 residents, who has been convicted of committing or attempting
8 to commit one or more of the following offenses: those defined
9 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
10 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
11 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
12 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
13 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
14 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,
15 16-1.3, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,
16 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
17 Criminal Code of 1961; those provided in Section 4 of the
18 Wrongs to Children Act; those provided in Section 53 of the
19 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
20 5.2, 7, or 9 of the Cannabis Control Act; those defined in the
21 Methamphetamine Control and Community Protection Act; or those
22 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1
23 of the Illinois Controlled Substances Act, unless the applicant
24 or employee obtains a waiver pursuant to Section 40.

25 (a-1) In the discretion of the Director of Public Health,
26 as soon after January 1, 2004 or October 1, 2007, as

1 applicable, and as is reasonably practical, no health care
2 employer shall knowingly hire any individual in a position with
3 duties involving direct care for clients, patients, or
4 residents, and no long-term care facility shall knowingly hire
5 any individual in a position with duties that involve or may
6 involve contact with residents or access to the living quarters
7 or the financial, medical, or personal records of residents,
8 who has (i) been convicted of committing or attempting to
9 commit one or more of the offenses defined in Section 12-3.3,
10 12-4.2-5, 16-2, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44,
11 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or
12 subsection (b) of Section 17-32, of the Criminal Code of 1961;
13 Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and
14 Debit Card Act; or Section 5.1 of the Wrongs to Children Act;
15 or (ii) violated Section 50-50 of the Nurse Practice Act,
16 unless the applicant or employee obtains a waiver pursuant to
17 Section 40 of this Act.

18 A health care employer is not required to retain an
19 individual in a position with duties involving direct care for
20 clients, patients, or residents, and no long-term care facility
21 is required to retain an individual in a position with duties
22 that involve or may involve contact with residents or access to
23 the living quarters or the financial, medical, or personal
24 records of residents, who has been convicted of committing or
25 attempting to commit one or more of the offenses enumerated in
26 this subsection.

1 (b) A health care employer shall not hire, employ, or
2 retain any individual in a position with duties involving
3 direct care of clients, patients, or residents, and no
4 long-term care facility shall knowingly hire, employ, or retain
5 any individual in a position with duties that involve or may
6 involve contact with residents or access to the living quarters
7 or the financial, medical, or personal records of residents, if
8 the health care employer becomes aware that the individual has
9 been convicted in another state of committing or attempting to
10 commit an offense that has the same or similar elements as an
11 offense listed in subsection (a) or (a-1), as verified by court
12 records, records from a state agency, or an FBI criminal
13 history record check, unless the applicant or employee obtains
14 a waiver pursuant to Section 40 of this Act. This shall not be
15 construed to mean that a health care employer has an obligation
16 to conduct a criminal history records check in other states in
17 which an employee has resided.

18 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;
19 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

20 Section 10-45. The Hearing Instrument Consumer Protection
21 Act is amended by changing Section 18.5 as follows:

22 (225 ILCS 50/18.5)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 18.5. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-50. The Home Medical Equipment and Services
12 Provider License Act is amended by changing Section 77 as
13 follows:

14 (225 ILCS 51/77)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 77. Suspension of license for failure to pay
17 restitution. The Department, without further process or
18 hearing, shall suspend the license or other authorization to
19 practice of any person issued under this Act who has been
20 certified by court order as not having paid restitution to a
21 person under Section 8A-3.5 of the Illinois Public Aid Code or
22 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
23 person whose license or other authorization to practice is
24 suspended under this Section is prohibited from practicing

1 until the restitution is made in full.

2 (Source: P.A. 94-577, eff. 1-1-06.)

3 Section 10-55. The Marriage and Family Therapy Licensing
4 Act is amended by changing Section 87 as follows:

5 (225 ILCS 55/87)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 87. Suspension of license for failure to pay
8 restitution. The Department, without further process or
9 hearing, shall suspend the license or other authorization to
10 practice of any person issued under this Act who has been
11 certified by court order as not having paid restitution to a
12 person under Section 8A-3.5 of the Illinois Public Aid Code or
13 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
14 person whose license or other authorization to practice is
15 suspended under this Section is prohibited from practicing
16 until the restitution is made in full.

17 (Source: P.A. 94-577, eff. 1-1-06.)

18 Section 10-60. The Medical Practice Act of 1987 is amended
19 by changing Section 22.5 as follows:

20 (225 ILCS 60/22.5)

21 (Section scheduled to be repealed on December 31, 2010)

22 Sec. 22.5. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-65. The Naprapathic Practice Act is amended by
12 changing Section 113 as follows:

13 (225 ILCS 63/113)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 113. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
22 person whose license or other authorization to practice is
23 suspended under this Section is prohibited from practicing
24 until the restitution is made in full.

1 (Source: P.A. 94-577, eff. 1-1-06.)

2 Section 10-70. The Nurse Practice Act is amended by
3 changing Section 70-20 as follows:

4 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 70-20. Suspension of license or registration for
7 failure to pay restitution. The Department, without further
8 process or hearing, shall suspend the license or other
9 authorization to practice of any person issued under this Act
10 who has been certified by court order as not having paid
11 restitution to a person under Section 8A-3.5 of the Illinois
12 Public Aid Code or under Section 17-10.5 or 46-1 of the
13 Criminal Code of 1961. A person whose license or other
14 authorization to practice is suspended under this Section is
15 prohibited from practicing until the restitution is made in
16 full.

17 (Source: P.A. 94-577, eff. 1-1-06; 95-639, eff. 10-5-07.)

18 Section 10-75. The Illinois Occupational Therapy Practice
19 Act is amended by changing Section 19.17 as follows:

20 (225 ILCS 75/19.17)

21 (Section scheduled to be repealed on January 1, 2014)

22 Sec. 19.17. Suspension of license for failure to pay

1 restitution. The Department, without further process or
2 hearing, shall suspend the license or other authorization to
3 practice of any person issued under this Act who has been
4 certified by court order as not having paid restitution to a
5 person under Section 8A-3.5 of the Illinois Public Aid Code or
6 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
7 person whose license or other authorization to practice is
8 suspended under this Section is prohibited from practicing
9 until the restitution is made in full.

10 (Source: P.A. 94-577, eff. 1-1-06.)

11 Section 10-80. The Illinois Optometric Practice Act of 1987
12 is amended by changing Section 24.5 as follows:

13 (225 ILCS 80/24.5)

14 (Section scheduled to be repealed on January 1, 2017)

15 Sec. 24.5. Suspension of license for failure to pay
16 restitution. The Department, without further process or
17 hearing, shall suspend the license or other authorization to
18 practice of any person issued under this Act who has been
19 certified by court order as not having paid restitution to a
20 person under Section 8A-3.5 of the Illinois Public Aid Code or
21 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
22 person whose license or other authorization to practice is
23 suspended under this Section is prohibited from practicing
24 until the restitution is made in full.

1 (Source: P.A. 94-577, eff. 1-1-06.)

2 Section 10-85. The Orthotics, Prosthetics, and Pedorthics
3 Practice Act is amended by changing Section 93 as follows:

4 (225 ILCS 84/93)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 93. Suspension of license for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
13 person whose license or other authorization to practice is
14 suspended under this Section is prohibited from practicing
15 until the restitution is made in full.

16 (Source: P.A. 94-577, eff. 1-1-06.)

17 Section 10-90. The Pharmacy Practice Act is amended by
18 changing Section 30.5 as follows:

19 (225 ILCS 85/30.5)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 30.5. Suspension of license or certificate for failure
22 to pay restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
6 person whose license or other authorization to practice is
7 suspended under this Section is prohibited from practicing
8 until the restitution is made in full.

9 (Source: P.A. 94-577, eff. 1-1-06.)

10 Section 10-95. The Illinois Physical Therapy Act is amended
11 by changing Section 17.5 as follows:

12 (225 ILCS 90/17.5)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 17.5. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
21 person whose license or other authorization to practice is
22 suspended under this Section is prohibited from practicing
23 until the restitution is made in full.

24 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-100. The Physician Assistant Practice Act of
2 1987 is amended by changing Section 21.5 as follows:

3 (225 ILCS 95/21.5)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 21.5. Suspension of license for failure to pay
6 restitution. The Department, without further process or
7 hearing, shall suspend the license or other authorization to
8 practice of any person issued under this Act who has been
9 certified by court order as not having paid restitution to a
10 person under Section 8A-3.5 of the Illinois Public Aid Code or
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
12 person whose license or other authorization to practice is
13 suspended under this Section is prohibited from practicing
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-105. The Podiatric Medical Practice Act of 1987
17 is amended by changing Section 24.5 as follows:

18 (225 ILCS 100/24.5)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 24.5. Suspension of license for failure to pay
21 restitution. The Department, without further process or
22 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been
2 certified by court order as not having paid restitution to a
3 person under Section 8A-3.5 of the Illinois Public Aid Code or
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
5 person whose license or other authorization to practice is
6 suspended under this Section is prohibited from practicing
7 until the restitution is made in full.

8 (Source: P.A. 94-577, eff. 1-1-06.)

9 Section 10-110. The Respiratory Care Practice Act is
10 amended by changing Section 97 as follows:

11 (225 ILCS 106/97)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 97. Suspension of license for failure to pay
14 restitution. The Department, without further process or
15 hearing, shall suspend the license or other authorization to
16 practice of any person issued under this Act who has been
17 certified by court order as not having paid restitution to a
18 person under Section 8A-3.5 of the Illinois Public Aid Code or
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
20 person whose license or other authorization to practice is
21 suspended under this Section is prohibited from practicing
22 until the restitution is made in full.

23 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-115. The Professional Counselor and Clinical
2 Professional Counselor Licensing Act is amended by changing
3 Section 83 as follows:

4 (225 ILCS 107/83)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 83. Suspension of license for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
13 person whose license or other authorization to practice is
14 suspended under this Section is prohibited from practicing
15 until the restitution is made in full.

16 (Source: P.A. 94-577, eff. 1-1-06.)

17 Section 10-120. The Illinois Speech-Language Pathology and
18 Audiology Practice Act is amended by changing Section 16.3 as
19 follows:

20 (225 ILCS 110/16.3)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 16.3. Suspension of license for failure to pay
23 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
6 person whose license or other authorization to practice is
7 suspended under this Section is prohibited from practicing
8 until the restitution is made in full.

9 (Source: P.A. 94-577, eff. 1-1-06.)

10 Section 10-125. The Perfusionist Practice Act is amended by
11 changing Section 107 as follows:

12 (225 ILCS 125/107)

13 (Section scheduled to be repealed on January 1, 2020)

14 Sec. 107. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
21 person whose license or other authorization to practice is
22 suspended under this Section is prohibited from practicing
23 until the restitution is made in full.

24 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-130. The Registered Surgical Assistant and
2 Registered Surgical Technologist Title Protection Act is
3 amended by changing Section 77 as follows:

4 (225 ILCS 130/77)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 77. Suspension of registration for failure to pay
7 restitution. The Department, without further process or
8 hearing, shall suspend the license or other authorization to
9 practice of any person issued under this Act who has been
10 certified by court order as not having paid restitution to a
11 person under Section 8A-3.5 of the Illinois Public Aid Code or
12 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
13 person whose license or other authorization to practice is
14 suspended under this Section is prohibited from practicing
15 until the restitution is made in full.

16 (Source: P.A. 94-577, eff. 1-1-06.)

17 Section 10-135. The Genetic Counselor Licensing Act is
18 amended by changing Section 97 as follows:

19 (225 ILCS 135/97)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 97. Suspension of license for failure to pay
22 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A
6 person whose license or other authorization to practice is
7 suspended under this Section is prohibited from practicing
8 until the restitution is made in full.

9 (Source: P.A. 94-577, eff. 1-1-06.)

10 Section 10-140. The Criminal Code of 1961 is amended by
11 changing Sections 3-6 and 16-1 as follows:

12 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

13 Sec. 3-6. Extended limitations. The period within which a
14 prosecution must be commenced under the provisions of Section
15 3-5 or other applicable statute is extended under the following
16 conditions:

17 (a) A prosecution for theft involving a breach of a
18 fiduciary obligation to the aggrieved person may be commenced
19 as follows:

20 (1) If the aggrieved person is a minor or a person
21 under legal disability, then during the minority or legal
22 disability or within one year after the termination
23 thereof.

24 (2) In any other instance, within one year after the

1 discovery of the offense by an aggrieved person, or by a
2 person who has legal capacity to represent an aggrieved
3 person or has a legal duty to report the offense, and is
4 not himself or herself a party to the offense; or in the
5 absence of such discovery, within one year after the proper
6 prosecuting officer becomes aware of the offense. However,
7 in no such case is the period of limitation so extended
8 more than 3 years beyond the expiration of the period
9 otherwise applicable.

10 (b) A prosecution for any offense based upon misconduct in
11 office by a public officer or employee may be commenced within
12 one year after discovery of the offense by a person having a
13 legal duty to report such offense, or in the absence of such
14 discovery, within one year after the proper prosecuting officer
15 becomes aware of the offense. However, in no such case is the
16 period of limitation so extended more than 3 years beyond the
17 expiration of the period otherwise applicable.

18 (c) (Blank).

19 (d) A prosecution for child pornography, indecent
20 solicitation of a child, soliciting for a juvenile prostitute,
21 juvenile pimping or exploitation of a child may be commenced
22 within one year of the victim attaining the age of 18 years.
23 However, in no such case shall the time period for prosecution
24 expire sooner than 3 years after the commission of the offense.
25 When the victim is under 18 years of age, a prosecution for
26 criminal sexual abuse may be commenced within one year of the

1 victim attaining the age of 18 years. However, in no such case
2 shall the time period for prosecution expire sooner than 3
3 years after the commission of the offense.

4 (e) Except as otherwise provided in subdivision (j), a
5 prosecution for any offense involving sexual conduct or sexual
6 penetration, as defined in Section 12-12 of this Code, where
7 the defendant was within a professional or fiduciary
8 relationship or a purported professional or fiduciary
9 relationship with the victim at the time of the commission of
10 the offense may be commenced within one year after the
11 discovery of the offense by the victim.

12 (f) A prosecution for any offense set forth in Section 44
13 of the "Environmental Protection Act", approved June 29, 1970,
14 as amended, may be commenced within 5 years after the discovery
15 of such an offense by a person or agency having the legal duty
16 to report the offense or in the absence of such discovery,
17 within 5 years after the proper prosecuting officer becomes
18 aware of the offense.

19 (f-5) A prosecution for any offense set forth in Section
20 16G-15 or 16G-20 of this Code may be commenced within 5 years
21 after the discovery of the offense by the victim of that
22 offense.

23 (g) (Blank).

24 (h) (Blank).

25 (i) Except as otherwise provided in subdivision (j), a
26 prosecution for criminal sexual assault, aggravated criminal

1 sexual assault, or aggravated criminal sexual abuse may be
2 commenced within 10 years of the commission of the offense if
3 the victim reported the offense to law enforcement authorities
4 within 3 years after the commission of the offense.

5 Nothing in this subdivision (i) shall be construed to
6 shorten a period within which a prosecution must be commenced
7 under any other provision of this Section.

8 (j) When the victim is under 18 years of age at the time of
9 the offense, a prosecution for criminal sexual assault,
10 aggravated criminal sexual assault, predatory criminal sexual
11 assault of a child, aggravated criminal sexual abuse, or felony
12 criminal sexual abuse, or a prosecution for failure of a person
13 who is required to report an alleged or suspected commission of
14 any of these offenses under the Abused and Neglected Child
15 Reporting Act may be commenced within 20 years after the child
16 victim attains 18 years of age. When the victim is under 18
17 years of age at the time of the offense, a prosecution for
18 misdemeanor criminal sexual abuse may be commenced within 10
19 years after the child victim attains 18 years of age.

20 Nothing in this subdivision (j) shall be construed to
21 shorten a period within which a prosecution must be commenced
22 under any other provision of this Section.

23 (k) A prosecution for theft involving real property
24 exceeding \$100,000 in value under Section 16-1, identity theft
25 under Section 16G-15, aggravated identity theft under Section
26 16G-20, or any offense set forth in Article 16H or Section

1 17-10.6 may be commenced within 7 years of the last act
2 committed in furtherance of the crime.

3 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

4 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

5 Sec. 16-1. Theft.

6 (a) A person commits theft when he knowingly:

7 (1) Obtains or exerts unauthorized control over
8 property of the owner; or

9 (2) Obtains by deception control over property of the
10 owner; or

11 (3) Obtains by threat control over property of the
12 owner; or

13 (4) Obtains control over stolen property knowing the
14 property to have been stolen or under such circumstances as
15 would reasonably induce him to believe that the property
16 was stolen; or

17 (5) Obtains or exerts control over property in the
18 custody of any law enforcement agency which is explicitly
19 represented to him by any law enforcement officer or any
20 individual acting in behalf of a law enforcement agency as
21 being stolen, and

22 (A) Intends to deprive the owner permanently of the
23 use or benefit of the property; or

24 (B) Knowingly uses, conceals or abandons the
25 property in such manner as to deprive the owner

1 permanently of such use or benefit; or

2 (C) Uses, conceals, or abandons the property
3 knowing such use, concealment or abandonment probably
4 will deprive the owner permanently of such use or
5 benefit.

6 (b) Sentence.

7 (1) Theft of property not from the person and not
8 exceeding \$500 in value is a Class A misdemeanor.

9 (1.1) Theft of property not from the person and not
10 exceeding \$500 in value is a Class 4 felony if the theft
11 was committed in a school or place of worship or if the
12 theft was of governmental property.

13 (2) A person who has been convicted of theft of
14 property not from the person and not exceeding \$500 in
15 value who has been previously convicted of any type of
16 theft, robbery, armed robbery, burglary, residential
17 burglary, possession of burglary tools, home invasion,
18 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or
19 4-103.3 of the Illinois Vehicle Code relating to the
20 possession of a stolen or converted motor vehicle, or a
21 violation of Section 17-36 of the Criminal Code of 1961 or
22 Section 8 of the Illinois Credit Card and Debit Card Act is
23 guilty of a Class 4 felony. When a person has any such
24 prior conviction, the information or indictment charging
25 that person shall state such prior conviction so as to give
26 notice of the State's intention to treat the charge as a

1 felony. The fact of such prior conviction is not an element
2 of the offense and may not be disclosed to the jury during
3 trial unless otherwise permitted by issues properly raised
4 during such trial.

5 (3) (Blank).

6 (4) Theft of property from the person not exceeding
7 \$500 in value, or theft of property exceeding \$500 and not
8 exceeding \$10,000 in value, is a Class 3 felony.

9 (4.1) Theft of property from the person not exceeding
10 \$500 in value, or theft of property exceeding \$500 and not
11 exceeding \$10,000 in value, is a Class 2 felony if the
12 theft was committed in a school or place of worship or if
13 the theft was of governmental property.

14 (5) Theft of property exceeding \$10,000 and not
15 exceeding \$100,000 in value is a Class 2 felony.

16 (5.1) Theft of property exceeding \$10,000 and not
17 exceeding \$100,000 in value is a Class 1 felony if the
18 theft was committed in a school or place of worship or if
19 the theft was of governmental property.

20 (6) Theft of property exceeding \$100,000 and not
21 exceeding \$500,000 in value is a Class 1 felony.

22 (6.1) Theft of property exceeding \$100,000 in value is
23 a Class X felony if the theft was committed in a school or
24 place of worship or if the theft was of governmental
25 property.

26 (6.2) Theft of property exceeding \$500,000 and not

1 exceeding \$1,000,000 in value is a Class 1
2 non-probationable felony.

3 (6.3) Theft of property exceeding \$1,000,000 in value
4 is a Class X felony.

5 (7) Theft by deception, as described by paragraph (2)
6 of subsection (a) of this Section, in which the offender
7 obtained money or property valued at \$5,000 or more from a
8 victim 60 years of age or older is a Class 2 felony.

9 (8) Theft by deception, as described by paragraph (2)
10 of subsection (a) of this Section, in which the offender
11 falsely poses as a landlord or agent or employee of the
12 landlord and obtains a rent payment or a security deposit
13 from a tenant is a Class 3 felony if the rent payment or
14 security deposit obtained does not exceed \$500.

15 (9) Theft by deception, as described by paragraph (2)
16 of subsection (a) of this Section, in which the offender
17 falsely poses as a landlord or agent or employee of the
18 landlord and obtains a rent payment or a security deposit
19 from a tenant is a Class 2 felony if the rent payment or
20 security deposit obtained exceeds \$500 and does not exceed
21 \$10,000.

22 (10) Theft by deception, as described by paragraph (2)
23 of subsection (a) of this Section, in which the offender
24 falsely poses as a landlord or agent or employee of the
25 landlord and obtains a rent payment or a security deposit
26 from a tenant is a Class 1 felony if the rent payment or

1 security deposit obtained exceeds \$10,000 and does not
2 exceed \$100,000.

3 (11) Theft by deception, as described by paragraph (2)
4 of subsection (a) of this Section, in which the offender
5 falsely poses as a landlord or agent or employee of the
6 landlord and obtains a rent payment or a security deposit
7 from a tenant is a Class X felony if the rent payment or
8 security deposit obtained exceeds \$100,000.

9 (c) When a charge of theft of property exceeding a
10 specified value is brought, the value of the property involved
11 is an element of the offense to be resolved by the trier of
12 fact as either exceeding or not exceeding the specified value.

13 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;
14 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11.)

15 Section 10-145. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 111-4 and 115-10.3 as follows:

17 (725 ILCS 5/111-4)

18 Sec. 111-4. Joinder of offenses and defendants.

19 (a) Two or more offenses may be charged in the same
20 indictment, information or complaint in a separate count for
21 each offense if the offenses charged, whether felonies or
22 misdemeanors or both, are based on the same act or on 2 or more
23 acts which are part of the same comprehensive transaction.

24 (b) Two or more defendants may be charged in the same

1 indictment, information or complaint if they are alleged to
2 have participated in the same act or in the same comprehensive
3 transaction out of which the offense or offenses arose. Such
4 defendants may be charged in one or more counts together or
5 separately and all of the defendants need not be charged in
6 each count.

7 (c) Two or more acts or transactions in violation of any
8 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and
9 8A-5 of the Illinois Public Aid Code, Section 14 of the
10 Illinois Wage Payment and Collection Act, Sections 16-1,
11 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2,
12 ~~16C-2~~, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30, 16H-45,
13 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, or 17-60, or item (ii)
14 of subsection (a) or (b) of Section 17-9, or subdivision (a) (2)
15 of Section 17-10.5, ~~17-7, 17-8, 17-9 or 17-10~~ of the Criminal
16 Code of 1961 and Section 118 of Division I of the Criminal
17 Jurisprudence Act, may be charged as a single offense in a
18 single count of the same indictment, information or complaint,
19 if such acts or transactions by one or more defendants are in
20 furtherance of a single intention and design or if the
21 property, labor or services obtained are of the same person or
22 are of several persons having a common interest in such
23 property, labor or services. In such a charge, the period
24 between the dates of the first and the final such acts or
25 transactions may be alleged as the date of the offense and, if
26 any such act or transaction by any defendant was committed in

1 the county where the prosecution was commenced, such county may
2 be alleged as the county of the offense.

3 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09;
4 96-1207, eff. 7-22-10; 96-1407, eff. 1-1-11; revised 9-2-10.)

5 (725 ILCS 5/115-10.3)

6 Sec. 115-10.3. Hearsay exception regarding elder adults.

7 (a) In a prosecution for a physical act, abuse, neglect, or
8 financial exploitation perpetrated upon or against an eligible
9 adult, as defined in the Elder Abuse and Neglect Act, who has
10 been diagnosed by a physician to suffer from (i) any form of
11 dementia, developmental disability, or other form of mental
12 incapacity or (ii) any physical infirmity, including but not
13 limited to prosecutions for violations of Sections 10-1, 10-2,
14 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4,
15 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3,
16 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21,
17 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5,
18 20-1.1, 24-1.2, and 33A-2 of the Criminal Code of 1961, the
19 following evidence shall be admitted as an exception to the
20 hearsay rule:

21 (1) testimony by an eligible adult, of an out of court
22 statement made by the eligible adult, that he or she
23 complained of such act to another; and

24 (2) testimony of an out of court statement made by the
25 eligible adult, describing any complaint of such act or

1 matter or detail pertaining to any act which is an element
2 of an offense which is the subject of a prosecution for a
3 physical act, abuse, neglect, or financial exploitation
4 perpetrated upon or against the eligible adult.

5 (b) Such testimony shall only be admitted if:

6 (1) The court finds in a hearing conducted outside the
7 presence of the jury that the time, content, and
8 circumstances of the statement provide sufficient
9 safeguards of reliability; and

10 (2) The eligible adult either:

11 (A) testifies at the proceeding; or

12 (B) is unavailable as a witness and there is
13 corroborative evidence of the act which is the subject
14 of the statement.

15 (c) If a statement is admitted pursuant to this Section,
16 the court shall instruct the jury that it is for the jury to
17 determine the weight and credibility to be given the statement
18 and that, in making the determination, it shall consider the
19 condition of the eligible adult, the nature of the statement,
20 the circumstances under which the statement was made, and any
21 other relevant factor.

22 (d) The proponent of the statement shall give the adverse
23 party reasonable notice of his or her intention to offer the
24 statement and the particulars of the statement.

25 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

1 Section 10-150. The Unified Code of Corrections is amended
2 by changing Sections 3-3-7, 5-5-3, 5-6-3, 5-6-3.1, 5-8-4, and
3 5-9-1.3 as follows:

4 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

5 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
6 Release.

7 (a) The conditions of parole or mandatory supervised
8 release shall be such as the Prisoner Review Board deems
9 necessary to assist the subject in leading a law-abiding life.
10 The conditions of every parole and mandatory supervised release
11 are that the subject:

12 (1) not violate any criminal statute of any
13 jurisdiction during the parole or release term;

14 (2) refrain from possessing a firearm or other
15 dangerous weapon;

16 (3) report to an agent of the Department of
17 Corrections;

18 (4) permit the agent to visit him or her at his or her
19 home, employment, or elsewhere to the extent necessary for
20 the agent to discharge his or her duties;

21 (5) attend or reside in a facility established for the
22 instruction or residence of persons on parole or mandatory
23 supervised release;

24 (6) secure permission before visiting or writing a
25 committed person in an Illinois Department of Corrections

1 facility;

2 (7) report all arrests to an agent of the Department of
3 Corrections as soon as permitted by the arresting authority
4 but in no event later than 24 hours after release from
5 custody;

6 (7.5) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, the individual shall
8 undergo and successfully complete sex offender treatment
9 conducted in conformance with the standards developed by
10 the Sex Offender Management Board Act by a treatment
11 provider approved by the Board;

12 (7.6) if convicted of a sex offense as defined in the
13 Sex Offender Management Board Act, refrain from residing at
14 the same address or in the same condominium unit or
15 apartment unit or in the same condominium complex or
16 apartment complex with another person he or she knows or
17 reasonably should know is a convicted sex offender or has
18 been placed on supervision for a sex offense; the
19 provisions of this paragraph do not apply to a person
20 convicted of a sex offense who is placed in a Department of
21 Corrections licensed transitional housing facility for sex
22 offenders, or is in any facility operated or licensed by
23 the Department of Children and Family Services or by the
24 Department of Human Services, or is in any licensed medical
25 facility;

26 (7.7) if convicted for an offense that would qualify

1 the accused as a sexual predator under the Sex Offender
2 Registration Act on or after the effective date of this
3 amendatory Act of the 94th General Assembly, wear an
4 approved electronic monitoring device as defined in
5 Section 5-8A-2 for the duration of the person's parole,
6 mandatory supervised release term, or extended mandatory
7 supervised release term and if convicted for an offense of
8 criminal sexual assault, aggravated criminal sexual
9 assault, predatory criminal sexual assault of a child,
10 criminal sexual abuse, aggravated criminal sexual abuse,
11 or ritualized abuse of a child committed on or after August
12 11, 2009 (the effective date of Public Act 96-236) when the
13 victim was under 18 years of age at the time of the
14 commission of the offense and the defendant used force or
15 the threat of force in the commission of the offense wear
16 an approved electronic monitoring device as defined in
17 Section 5-8A-2 that has Global Positioning System (GPS)
18 capability for the duration of the person's parole,
19 mandatory supervised release term, or extended mandatory
20 supervised release term;

21 (7.8) if convicted for an offense committed on or after
22 the effective date of this amendatory Act of the 95th
23 General Assembly that would qualify the accused as a child
24 sex offender as defined in Section 11-9.3 or 11-9.4 of the
25 Criminal Code of 1961, refrain from communicating with or
26 contacting, by means of the Internet, a person who is not

1 related to the accused and whom the accused reasonably
2 believes to be under 18 years of age; for purposes of this
3 paragraph (7.8), "Internet" has the meaning ascribed to it
4 in Section 16J-5 of the Criminal Code of 1961; and a person
5 is not related to the accused if the person is not: (i) the
6 spouse, brother, or sister of the accused; (ii) a
7 descendant of the accused; (iii) a first or second cousin
8 of the accused; or (iv) a step-child or adopted child of
9 the accused;

10 (7.9) if convicted under Section 11-6, 11-20.1,
11 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
12 search of computers, PDAs, cellular phones, and other
13 devices under his or her control that are capable of
14 accessing the Internet or storing electronic files, in
15 order to confirm Internet protocol addresses reported in
16 accordance with the Sex Offender Registration Act and
17 compliance with conditions in this Act;

18 (7.10) if convicted for an offense that would qualify
19 the accused as a sex offender or sexual predator under the
20 Sex Offender Registration Act on or after the effective
21 date of this amendatory Act of the 95th General Assembly,
22 not possess prescription drugs for erectile dysfunction;

23 (7.11) if convicted for an offense under Section 11-6,
24 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
25 Code of 1961, or any attempt to commit any of these
26 offenses, committed on or after June 1, 2009 (the effective

1 date of Public Act 95-983):

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the Department;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's supervising
8 agent, a law enforcement officer, or assigned computer
9 or information technology specialist, including the
10 retrieval and copying of all data from the computer or
11 device and any internal or external peripherals and
12 removal of such information, equipment, or device to
13 conduct a more thorough inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a
20 computer or any other device with Internet capability
21 imposed by the Board, the Department or the offender's
22 supervising agent;

23 (7.12) if convicted of a sex offense as defined in the
24 Sex Offender Registration Act committed on or after January
25 1, 2010 (the effective date of Public Act 96-262), refrain
26 from accessing or using a social networking website as

1 defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code of
2 1961;

3 (7.13) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed on
5 or after January 1, 2010 (the effective date of Public Act
6 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any computer
8 scrub software on any computer that the sex offender uses;

9 (8) obtain permission of an agent of the Department of
10 Corrections before leaving the State of Illinois;

11 (9) obtain permission of an agent of the Department of
12 Corrections before changing his or her residence or
13 employment;

14 (10) consent to a search of his or her person,
15 property, or residence under his or her control;

16 (11) refrain from the use or possession of narcotics or
17 other controlled substances in any form, or both, or any
18 paraphernalia related to those substances and submit to a
19 urinalysis test as instructed by a parole agent of the
20 Department of Corrections;

21 (12) not frequent places where controlled substances
22 are illegally sold, used, distributed, or administered;

23 (13) not knowingly associate with other persons on
24 parole or mandatory supervised release without prior
25 written permission of his or her parole agent and not
26 associate with persons who are members of an organized gang

1 as that term is defined in the Illinois Streetgang
2 Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole or mandatory supervised release or to his or her
6 conduct while incarcerated, in response to inquiries by his
7 or her parole agent or of the Department of Corrections;

8 (15) follow any specific instructions provided by the
9 parole agent that are consistent with furthering
10 conditions set and approved by the Prisoner Review Board or
11 by law, exclusive of placement on electronic detention, to
12 achieve the goals and objectives of his or her parole or
13 mandatory supervised release or to protect the public.
14 These instructions by the parole agent may be modified at
15 any time, as the agent deems appropriate;

16 (16) if convicted of a sex offense as defined in
17 subsection (a-5) of Section 3-1-2 of this Code, unless the
18 offender is a parent or guardian of the person under 18
19 years of age present in the home and no non-familial minors
20 are present, not participate in a holiday event involving
21 children under 18 years of age, such as distributing candy
22 or other items to children on Halloween, wearing a Santa
23 Claus costume on or preceding Christmas, being employed as
24 a department store Santa Claus, or wearing an Easter Bunny
25 costume on or preceding Easter; and

26 (17) if convicted of a violation of an order of

1 protection under Section 12-30 of the Criminal Code of
2 1961, be placed under electronic surveillance as provided
3 in Section 5-8A-7 of this Code.

4 (b) The Board may in addition to other conditions require
5 that the subject:

6 (1) work or pursue a course of study or vocational
7 training;

8 (2) undergo medical or psychiatric treatment, or
9 treatment for drug addiction or alcoholism;

10 (3) attend or reside in a facility established for the
11 instruction or residence of persons on probation or parole;

12 (4) support his dependents;

13 (5) (blank);

14 (6) (blank);

15 (7) comply with the terms and conditions of an order of
16 protection issued pursuant to the Illinois Domestic
17 Violence Act of 1986, enacted by the 84th General Assembly,
18 or an order of protection issued by the court of another
19 state, tribe, or United States territory;

20 (7.5) if convicted for an offense committed on or after
21 the effective date of this amendatory Act of the 95th
22 General Assembly that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961, refrain from communicating with or
25 contacting, by means of the Internet, a person who is
26 related to the accused and whom the accused reasonably

1 believes to be under 18 years of age; for purposes of this
2 paragraph (7.5), "Internet" has the meaning ascribed to it
3 in Section 16J-5 of the Criminal Code of 1961; and a person
4 is related to the accused if the person is: (i) the spouse,
5 brother, or sister of the accused; (ii) a descendant of the
6 accused; (iii) a first or second cousin of the accused; or
7 (iv) a step-child or adopted child of the accused;

8 (7.6) if convicted for an offense committed on or after
9 June 1, 2009 (the effective date of Public Act 95-983) that
10 would qualify as a sex offense as defined in the Sex
11 Offender Registration Act:

12 (i) not access or use a computer or any other
13 device with Internet capability without the prior
14 written approval of the Department;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's supervising
18 agent, a law enforcement officer, or assigned computer
19 or information technology specialist, including the
20 retrieval and copying of all data from the computer or
21 device and any internal or external peripherals and
22 removal of such information, equipment, or device to
23 conduct a more thorough inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the Board, the Department or the offender's
6 supervising agent; and

7 (8) in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

10 (iii) attend a non-residential program for youth;

11 or

12 (iv) contribute to his own support at home or in a
13 foster home.

14 (b-1) In addition to the conditions set forth in
15 subsections (a) and (b), persons required to register as sex
16 offenders pursuant to the Sex Offender Registration Act, upon
17 release from the custody of the Illinois Department of
18 Corrections, may be required by the Board to comply with the
19 following specific conditions of release:

20 (1) reside only at a Department approved location;

21 (2) comply with all requirements of the Sex Offender
22 Registration Act;

23 (3) notify third parties of the risks that may be
24 occasioned by his or her criminal record;

25 (4) obtain the approval of an agent of the Department
26 of Corrections prior to accepting employment or pursuing a

1 course of study or vocational training and notify the
2 Department prior to any change in employment, study, or
3 training;

4 (5) not be employed or participate in any volunteer
5 activity that involves contact with children, except under
6 circumstances approved in advance and in writing by an
7 agent of the Department of Corrections;

8 (6) be electronically monitored for a minimum of 12
9 months from the date of release as determined by the Board;

10 (7) refrain from entering into a designated geographic
11 area except upon terms approved in advance by an agent of
12 the Department of Corrections. The terms may include
13 consideration of the purpose of the entry, the time of day,
14 and others accompanying the person;

15 (8) refrain from having any contact, including written
16 or oral communications, directly or indirectly, personally
17 or by telephone, letter, or through a third party with
18 certain specified persons including, but not limited to,
19 the victim or the victim's family without the prior written
20 approval of an agent of the Department of Corrections;

21 (9) refrain from all contact, directly or indirectly,
22 personally, by telephone, letter, or through a third party,
23 with minor children without prior identification and
24 approval of an agent of the Department of Corrections;

25 (10) neither possess or have under his or her control
26 any material that is sexually oriented, sexually

1 stimulating, or that shows male or female sex organs or any
2 pictures depicting children under 18 years of age nude or
3 any written or audio material describing sexual
4 intercourse or that depicts or alludes to sexual activity,
5 including but not limited to visual, auditory, telephonic,
6 or electronic media, or any matter obtained through access
7 to any computer or material linked to computer access use;

8 (11) not patronize any business providing sexually
9 stimulating or sexually oriented entertainment nor utilize
10 "900" or adult telephone numbers;

11 (12) not reside near, visit, or be in or about parks,
12 schools, day care centers, swimming pools, beaches,
13 theaters, or any other places where minor children
14 congregate without advance approval of an agent of the
15 Department of Corrections and immediately report any
16 incidental contact with minor children to the Department;

17 (13) not possess or have under his or her control
18 certain specified items of contraband related to the
19 incidence of sexually offending as determined by an agent
20 of the Department of Corrections;

21 (14) may be required to provide a written daily log of
22 activities if directed by an agent of the Department of
23 Corrections;

24 (15) comply with all other special conditions that the
25 Department may impose that restrict the person from
26 high-risk situations and limit access to potential

1 victims;

2 (16) take an annual polygraph exam;

3 (17) maintain a log of his or her travel; or

4 (18) obtain prior approval of his or her parole officer
5 before driving alone in a motor vehicle.

6 (c) The conditions under which the parole or mandatory
7 supervised release is to be served shall be communicated to the
8 person in writing prior to his release, and he shall sign the
9 same before release. A signed copy of these conditions,
10 including a copy of an order of protection where one had been
11 issued by the criminal court, shall be retained by the person
12 and another copy forwarded to the officer in charge of his
13 supervision.

14 (d) After a hearing under Section 3-3-9, the Prisoner
15 Review Board may modify or enlarge the conditions of parole or
16 mandatory supervised release.

17 (e) The Department shall inform all offenders committed to
18 the Department of the optional services available to them upon
19 release and shall assist inmates in availing themselves of such
20 optional services upon their release on a voluntary basis.

21 (f) When the subject is in compliance with all conditions
22 of his or her parole or mandatory supervised release, the
23 subject shall receive a reduction of the period of his or her
24 parole or mandatory supervised release of 90 days upon passage
25 of the high school level Test of General Educational
26 Development during the period of his or her parole or mandatory

1 supervised release. This reduction in the period of a subject's
2 term of parole or mandatory supervised release shall be
3 available only to subjects who have not previously earned a
4 high school diploma or who have not previously passed the high
5 school level Test of General Educational Development.

6 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
7 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
8 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
9 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
10 96-1000, eff. 7-2-10.)

11 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

12 Sec. 5-5-3. Disposition.

13 (a) (Blank).

14 (b) (Blank).

15 (c) (1) (Blank).

16 (2) A period of probation, a term of periodic
17 imprisonment or conditional discharge shall not be imposed
18 for the following offenses. The court shall sentence the
19 offender to not less than the minimum term of imprisonment
20 set forth in this Code for the following offenses, and may
21 order a fine or restitution or both in conjunction with
22 such term of imprisonment:

23 (A) First degree murder where the death penalty is
24 not imposed.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

2 (D) A violation of Section 401.1 or 407 of the
3 Illinois Controlled Substances Act, or a violation of
4 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
5 of that Act which relates to more than 5 grams of a
6 substance containing heroin, cocaine, fentanyl, or an
7 analog thereof.

8 (E) A violation of Section 5.1 or 9 of the Cannabis
9 Control Act.

10 (F) A Class 2 or greater felony if the offender had
11 been convicted of a Class 2 or greater felony,
12 including any state or federal conviction for an
13 offense that contained, at the time it was committed,
14 the same elements as an offense now (the date of the
15 offense committed after the prior Class 2 or greater
16 felony) classified as a Class 2 or greater felony,
17 within 10 years of the date on which the offender
18 committed the offense for which he or she is being
19 sentenced, except as otherwise provided in Section
20 40-10 of the Alcoholism and Other Drug Abuse and
21 Dependency Act.

22 (F-5) A violation of Section 24-1, 24-1.1, or
23 24-1.6 of the Criminal Code of 1961 for which
24 imprisonment is prescribed in those Sections.

25 (G) Residential burglary, except as otherwise
26 provided in Section 40-10 of the Alcoholism and Other

1 Drug Abuse and Dependency Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen.

4 (J) A forcible felony if the offense was related to
5 the activities of an organized gang.

6 Before July 1, 1994, for the purposes of this
7 paragraph, "organized gang" means an association of 5
8 or more persons, with an established hierarchy, that
9 encourages members of the association to perpetrate
10 crimes or provides support to the members of the
11 association who do commit crimes.

12 Beginning July 1, 1994, for the purposes of this
13 paragraph, "organized gang" has the meaning ascribed
14 to it in Section 10 of the Illinois Streetgang
15 Terrorism Omnibus Prevention Act.

16 (K) Vehicular hijacking.

17 (L) A second or subsequent conviction for the
18 offense of hate crime when the underlying offense upon
19 which the hate crime is based is felony aggravated
20 assault or felony mob action.

21 (M) A second or subsequent conviction for the
22 offense of institutional vandalism if the damage to the
23 property exceeds \$300.

24 (N) A Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act.

1 (O) A violation of Section 12-6.1 of the Criminal
2 Code of 1961.

3 (P) A violation of paragraph (1), (2), (3), (4),
4 (5), or (7) of subsection (a) of Section 11-20.1 of the
5 Criminal Code of 1961.

6 (Q) A violation of Section 20-1.2 or 20-1.3 of the
7 Criminal Code of 1961.

8 (R) A violation of Section 24-3A of the Criminal
9 Code of 1961.

10 (S) (Blank).

11 (T) A second or subsequent violation of the
12 Methamphetamine Control and Community Protection Act.

13 (U) A second or subsequent violation of Section
14 6-303 of the Illinois Vehicle Code committed while his
15 or her driver's license, permit, or privilege was
16 revoked because of a violation of Section 9-3 of the
17 Criminal Code of 1961, relating to the offense of
18 reckless homicide, or a similar provision of a law of
19 another state.

20 (V) A violation of paragraph (4) of subsection (c)
21 of Section 11-20.3 of the Criminal Code of 1961.

22 (W) A violation of Section 24-3.5 of the Criminal
23 Code of 1961.

24 (X) A violation of subsection (a) of Section 31-1a
25 of the Criminal Code of 1961.

26 (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was
2 loaded or contained firearm ammunition.

3 (Z) A Class 1 felony committed while he or she was
4 serving a term of probation or conditional discharge
5 for a felony.

6 (AA) Theft of property exceeding \$500,000 and not
7 exceeding \$1,000,000 in value.

8 (BB) Laundering of criminally derived property of
9 a value exceeding \$500,000.

10 (CC) Knowingly selling, offering for sale, holding
11 for sale, or using 2,000 or more counterfeit items or
12 counterfeit items having a retail value in the
13 aggregate of \$500,000 or more.

14 (3) (Blank).

15 (4) A minimum term of imprisonment of not less than 10
16 consecutive days or 30 days of community service shall be
17 imposed for a violation of paragraph (c) of Section 6-303
18 of the Illinois Vehicle Code.

19 (4.1) (Blank).

20 (4.2) Except as provided in paragraphs (4.3) and (4.8)
21 of this subsection (c), a minimum of 100 hours of community
22 service shall be imposed for a second violation of Section
23 6-303 of the Illinois Vehicle Code.

24 (4.3) A minimum term of imprisonment of 30 days or 300
25 hours of community service, as determined by the court,
26 shall be imposed for a second violation of subsection (c)

1 of Section 6-303 of the Illinois Vehicle Code.

2 (4.4) Except as provided in paragraphs (4.5), (4.6),
3 and (4.9) of this subsection (c), a minimum term of
4 imprisonment of 30 days or 300 hours of community service,
5 as determined by the court, shall be imposed for a third or
6 subsequent violation of Section 6-303 of the Illinois
7 Vehicle Code.

8 (4.5) A minimum term of imprisonment of 30 days shall
9 be imposed for a third violation of subsection (c) of
10 Section 6-303 of the Illinois Vehicle Code.

11 (4.6) Except as provided in paragraph (4.10) of this
12 subsection (c), a minimum term of imprisonment of 180 days
13 shall be imposed for a fourth or subsequent violation of
14 subsection (c) of Section 6-303 of the Illinois Vehicle
15 Code.

16 (4.7) A minimum term of imprisonment of not less than
17 30 consecutive days, or 300 hours of community service,
18 shall be imposed for a violation of subsection (a-5) of
19 Section 6-303 of the Illinois Vehicle Code, as provided in
20 subsection (b-5) of that Section.

21 (4.8) A mandatory prison sentence shall be imposed for
22 a second violation of subsection (a-5) of Section 6-303 of
23 the Illinois Vehicle Code, as provided in subsection (c-5)
24 of that Section. The person's driving privileges shall be
25 revoked for a period of not less than 5 years from the date
26 of his or her release from prison.

1 (4.9) A mandatory prison sentence of not less than 4
2 and not more than 15 years shall be imposed for a third
3 violation of subsection (a-5) of Section 6-303 of the
4 Illinois Vehicle Code, as provided in subsection (d-2.5) of
5 that Section. The person's driving privileges shall be
6 revoked for the remainder of his or her life.

7 (4.10) A mandatory prison sentence for a Class 1 felony
8 shall be imposed, and the person shall be eligible for an
9 extended term sentence, for a fourth or subsequent
10 violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (d-3.5) of
12 that Section. The person's driving privileges shall be
13 revoked for the remainder of his or her life.

14 (5) The court may sentence a corporation or
15 unincorporated association convicted of any offense to:

16 (A) a period of conditional discharge;

17 (B) a fine;

18 (C) make restitution to the victim under Section
19 5-5-6 of this Code.

20 (5.1) In addition to any other penalties imposed, and
21 except as provided in paragraph (5.2) or (5.3), a person
22 convicted of violating subsection (c) of Section 11-907 of
23 the Illinois Vehicle Code shall have his or her driver's
24 license, permit, or privileges suspended for at least 90
25 days but not more than one year, if the violation resulted
26 in damage to the property of another person.

1 (5.2) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.3), a person convicted
3 of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's
5 license, permit, or privileges suspended for at least 180
6 days but not more than 2 years, if the violation resulted
7 in injury to another person.

8 (5.3) In addition to any other penalties imposed, a
9 person convicted of violating subsection (c) of Section
10 11-907 of the Illinois Vehicle Code shall have his or her
11 driver's license, permit, or privileges suspended for 2
12 years, if the violation resulted in the death of another
13 person.

14 (5.4) In addition to any other penalties imposed, a
15 person convicted of violating Section 3-707 of the Illinois
16 Vehicle Code shall have his or her driver's license,
17 permit, or privileges suspended for 3 months and until he
18 or she has paid a reinstatement fee of \$100.

19 (5.5) In addition to any other penalties imposed, a
20 person convicted of violating Section 3-707 of the Illinois
21 Vehicle Code during a period in which his or her driver's
22 license, permit, or privileges were suspended for a
23 previous violation of that Section shall have his or her
24 driver's license, permit, or privileges suspended for an
25 additional 6 months after the expiration of the original
26 3-month suspension and until he or she has paid a

1 reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

5 (9) A defendant convicted of a second or subsequent
6 offense of ritualized abuse of a child may be sentenced to
7 a term of natural life imprisonment.

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000
10 for a first offense and \$2,000 for a second or subsequent
11 offense upon a person convicted of or placed on supervision
12 for battery when the individual harmed was a sports
13 official or coach at any level of competition and the act
14 causing harm to the sports official or coach occurred
15 within an athletic facility or within the immediate
16 vicinity of the athletic facility at which the sports
17 official or coach was an active participant of the athletic
18 contest held at the athletic facility. For the purposes of
19 this paragraph (11), "sports official" means a person at an
20 athletic contest who enforces the rules of the contest,
21 such as an umpire or referee; "athletic facility" means an
22 indoor or outdoor playing field or recreational area where
23 sports activities are conducted; and "coach" means a person
24 recognized as a coach by the sanctioning authority that
25 conducted the sporting event.

26 (12) A person may not receive a disposition of court

1 supervision for a violation of Section 5-16 of the Boat
2 Registration and Safety Act if that person has previously
3 received a disposition of court supervision for a violation
4 of that Section.

5 (13) A person convicted of or placed on court
6 supervision for an assault or aggravated assault when the
7 victim and the offender are family or household members as
8 defined in Section 103 of the Illinois Domestic Violence
9 Act of 1986 or convicted of domestic battery or aggravated
10 domestic battery may be required to attend a Partner Abuse
11 Intervention Program under protocols set forth by the
12 Illinois Department of Human Services under such terms and
13 conditions imposed by the court. The costs of such classes
14 shall be paid by the offender.

15 (d) In any case in which a sentence originally imposed is
16 vacated, the case shall be remanded to the trial court. The
17 trial court shall hold a hearing under Section 5-4-1 of the
18 Unified Code of Corrections which may include evidence of the
19 defendant's life, moral character and occupation during the
20 time since the original sentence was passed. The trial court
21 shall then impose sentence upon the defendant. The trial court
22 may impose any sentence which could have been imposed at the
23 original trial subject to Section 5-5-4 of the Unified Code of
24 Corrections. If a sentence is vacated on appeal or on
25 collateral attack due to the failure of the trier of fact at
26 trial to determine beyond a reasonable doubt the existence of a

1 fact (other than a prior conviction) necessary to increase the
2 punishment for the offense beyond the statutory maximum
3 otherwise applicable, either the defendant may be re-sentenced
4 to a term within the range otherwise provided or, if the State
5 files notice of its intention to again seek the extended
6 sentence, the defendant shall be afforded a new trial.

7 (e) In cases where prosecution for aggravated criminal
8 sexual abuse under Section 12-16 of the Criminal Code of 1961
9 results in conviction of a defendant who was a family member of
10 the victim at the time of the commission of the offense, the
11 court shall consider the safety and welfare of the victim and
12 may impose a sentence of probation only where:

13 (1) the court finds (A) or (B) or both are appropriate:

14 (A) the defendant is willing to undergo a court
15 approved counseling program for a minimum duration of 2
16 years; or

17 (B) the defendant is willing to participate in a
18 court approved plan including but not limited to the
19 defendant's:

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

24 (iv) restitution for harm done to the victim;

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

2 (2) the court orders the defendant to pay for the
3 victim's counseling services, to the extent that the court
4 finds, after considering the defendant's income and
5 assets, that the defendant is financially capable of paying
6 for such services, if the victim was under 18 years of age
7 at the time the offense was committed and requires
8 counseling as a result of the offense.

9 Probation may be revoked or modified pursuant to Section
10 5-6-4; except where the court determines at the hearing that
11 the defendant violated a condition of his or her probation
12 restricting contact with the victim or other family members or
13 commits another offense with the victim or other family
14 members, the court shall revoke the defendant's probation and
15 impose a term of imprisonment.

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 12-12 of the Criminal Code of 1961.

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
22 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
23 of the Criminal Code of 1961, the defendant shall undergo
24 medical testing to determine whether the defendant has any
25 sexually transmissible disease, including a test for infection
26 with human immunodeficiency virus (HIV) or any other identified

1 causative agent of acquired immunodeficiency syndrome (AIDS).
2 Any such medical test shall be performed only by appropriately
3 licensed medical practitioners and may include an analysis of
4 any bodily fluids as well as an examination of the defendant's
5 person. Except as otherwise provided by law, the results of
6 such test shall be kept strictly confidential by all medical
7 personnel involved in the testing and must be personally
8 delivered in a sealed envelope to the judge of the court in
9 which the conviction was entered for the judge's inspection in
10 camera. Acting in accordance with the best interests of the
11 victim and the public, the judge shall have the discretion to
12 determine to whom, if anyone, the results of the testing may be
13 revealed. The court shall notify the defendant of the test
14 results. The court shall also notify the victim if requested by
15 the victim, and if the victim is under the age of 15 and if
16 requested by the victim's parents or legal guardian, the court
17 shall notify the victim's parents or legal guardian of the test
18 results. The court shall provide information on the
19 availability of HIV testing and counseling at Department of
20 Public Health facilities to all parties to whom the results of
21 the testing are revealed and shall direct the State's Attorney
22 to provide the information to the victim when possible. A
23 State's Attorney may petition the court to obtain the results
24 of any HIV test administered under this Section, and the court
25 shall grant the disclosure if the State's Attorney shows it is
26 relevant in order to prosecute a charge of criminal

1 transmission of HIV under Section 12-16.2 of the Criminal Code
2 of 1961 against the defendant. The court shall order that the
3 cost of any such test shall be paid by the county and may be
4 taxed as costs against the convicted defendant.

5 (g-5) When an inmate is tested for an airborne communicable
6 disease, as determined by the Illinois Department of Public
7 Health including but not limited to tuberculosis, the results
8 of the test shall be personally delivered by the warden or his
9 or her designee in a sealed envelope to the judge of the court
10 in which the inmate must appear for the judge's inspection in
11 camera if requested by the judge. Acting in accordance with the
12 best interests of those in the courtroom, the judge shall have
13 the discretion to determine what if any precautions need to be
14 taken to prevent transmission of the disease in the courtroom.

15 (h) Whenever a defendant is convicted of an offense under
16 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
17 defendant shall undergo medical testing to determine whether
18 the defendant has been exposed to human immunodeficiency virus
19 (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Except as otherwise provided
21 by law, the results of such test shall be kept strictly
22 confidential by all medical personnel involved in the testing
23 and must be personally delivered in a sealed envelope to the
24 judge of the court in which the conviction was entered for the
25 judge's inspection in camera. Acting in accordance with the
26 best interests of the public, the judge shall have the

1 discretion to determine to whom, if anyone, the results of the
2 testing may be revealed. The court shall notify the defendant
3 of a positive test showing an infection with the human
4 immunodeficiency virus (HIV). The court shall provide
5 information on the availability of HIV testing and counseling
6 at Department of Public Health facilities to all parties to
7 whom the results of the testing are revealed and shall direct
8 the State's Attorney to provide the information to the victim
9 when possible. A State's Attorney may petition the court to
10 obtain the results of any HIV test administered under this
11 Section, and the court shall grant the disclosure if the
12 State's Attorney shows it is relevant in order to prosecute a
13 charge of criminal transmission of HIV under Section 12-16.2 of
14 the Criminal Code of 1961 against the defendant. The court
15 shall order that the cost of any such test shall be paid by the
16 county and may be taxed as costs against the convicted
17 defendant.

18 (i) All fines and penalties imposed under this Section for
19 any violation of Chapters 3, 4, 6, and 11 of the Illinois
20 Vehicle Code, or a similar provision of a local ordinance, and
21 any violation of the Child Passenger Protection Act, or a
22 similar provision of a local ordinance, shall be collected and
23 disbursed by the circuit clerk as provided under Section 27.5
24 of the Clerks of Courts Act.

25 (j) In cases when prosecution for any violation of Section
26 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,

1 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
2 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
3 Code of 1961, any violation of the Illinois Controlled
4 Substances Act, any violation of the Cannabis Control Act, or
5 any violation of the Methamphetamine Control and Community
6 Protection Act results in conviction, a disposition of court
7 supervision, or an order of probation granted under Section 10
8 of the Cannabis Control Act, Section 410 of the Illinois
9 Controlled Substance Act, or Section 70 of the Methamphetamine
10 Control and Community Protection Act of a defendant, the court
11 shall determine whether the defendant is employed by a facility
12 or center as defined under the Child Care Act of 1969, a public
13 or private elementary or secondary school, or otherwise works
14 with children under 18 years of age on a daily basis. When a
15 defendant is so employed, the court shall order the Clerk of
16 the Court to send a copy of the judgment of conviction or order
17 of supervision or probation to the defendant's employer by
18 certified mail. If the employer of the defendant is a school,
19 the Clerk of the Court shall direct the mailing of a copy of
20 the judgment of conviction or order of supervision or probation
21 to the appropriate regional superintendent of schools. The
22 regional superintendent of schools shall notify the State Board
23 of Education of any notification under this subsection.

24 (j-5) A defendant at least 17 years of age who is convicted
25 of a felony and who has not been previously convicted of a
26 misdemeanor or felony and who is sentenced to a term of

1 imprisonment in the Illinois Department of Corrections shall as
2 a condition of his or her sentence be required by the court to
3 attend educational courses designed to prepare the defendant
4 for a high school diploma and to work toward a high school
5 diploma or to work toward passing the high school level Test of
6 General Educational Development (GED) or to work toward
7 completing a vocational training program offered by the
8 Department of Corrections. If a defendant fails to complete the
9 educational training required by his or her sentence during the
10 term of incarceration, the Prisoner Review Board shall, as a
11 condition of mandatory supervised release, require the
12 defendant, at his or her own expense, to pursue a course of
13 study toward a high school diploma or passage of the GED test.
14 The Prisoner Review Board shall revoke the mandatory supervised
15 release of a defendant who wilfully fails to comply with this
16 subsection (j-5) upon his or her release from confinement in a
17 penal institution while serving a mandatory supervised release
18 term; however, the inability of the defendant after making a
19 good faith effort to obtain financial aid or pay for the
20 educational training shall not be deemed a wilful failure to
21 comply. The Prisoner Review Board shall recommit the defendant
22 whose mandatory supervised release term has been revoked under
23 this subsection (j-5) as provided in Section 3-3-9. This
24 subsection (j-5) does not apply to a defendant who has a high
25 school diploma or has successfully passed the GED test. This
26 subsection (j-5) does not apply to a defendant who is

1 determined by the court to be developmentally disabled or
2 otherwise mentally incapable of completing the educational or
3 vocational program.

4 (k) (Blank).

5 (l) (A) Except as provided in paragraph (C) of subsection
6 (l), whenever a defendant, who is an alien as defined by
7 the Immigration and Nationality Act, is convicted of any
8 felony or misdemeanor offense, the court after sentencing
9 the defendant may, upon motion of the State's Attorney,
10 hold sentence in abeyance and remand the defendant to the
11 custody of the Attorney General of the United States or his
12 or her designated agent to be deported when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under
15 the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct
18 and would not be inconsistent with the ends of justice.

19 Otherwise, the defendant shall be sentenced as
20 provided in this Chapter V.

21 (B) If the defendant has already been sentenced for a
22 felony or misdemeanor offense, or has been placed on
23 probation under Section 10 of the Cannabis Control Act,
24 Section 410 of the Illinois Controlled Substances Act, or
25 Section 70 of the Methamphetamine Control and Community
26 Protection Act, the court may, upon motion of the State's

1 Attorney to suspend the sentence imposed, commit the
2 defendant to the custody of the Attorney General of the
3 United States or his or her designated agent when:

4 (1) a final order of deportation has been issued
5 against the defendant pursuant to proceedings under
6 the Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not
8 deprecate the seriousness of the defendant's conduct
9 and would not be inconsistent with the ends of justice.

10 (C) This subsection (1) does not apply to offenders who
11 are subject to the provisions of paragraph (2) of
12 subsection (a) of Section 3-6-3.

13 (D) Upon motion of the State's Attorney, if a defendant
14 sentenced under this Section returns to the jurisdiction of
15 the United States, the defendant shall be recommitted to
16 the custody of the county from which he or she was
17 sentenced. Thereafter, the defendant shall be brought
18 before the sentencing court, which may impose any sentence
19 that was available under Section 5-5-3 at the time of
20 initial sentencing. In addition, the defendant shall not be
21 eligible for additional good conduct credit for
22 meritorious service as provided under Section 3-6-6.

23 (m) A person convicted of criminal defacement of property
24 under Section 21-1.3 of the Criminal Code of 1961, in which the
25 property damage exceeds \$300 and the property damaged is a
26 school building, shall be ordered to perform community service

1 that may include cleanup, removal, or painting over the
2 defacement.

3 (n) The court may sentence a person convicted of a
4 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
5 Criminal Code of 1961 (i) to an impact incarceration program if
6 the person is otherwise eligible for that program under Section
7 5-8-1.1, (ii) to community service, or (iii) if the person is
8 an addict or alcoholic, as defined in the Alcoholism and Other
9 Drug Abuse and Dependency Act, to a substance or alcohol abuse
10 program licensed under that Act.

11 (o) Whenever a person is convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act, the
13 defendant's driver's license or permit shall be subject to
14 renewal on an annual basis in accordance with the provisions of
15 license renewal established by the Secretary of State.

16 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;
17 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;
18 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.
19 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,
20 eff. 12-3-09; 96-1200, eff. 7-22-10.)

21 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

22 Sec. 5-6-3. Conditions of Probation and of Conditional
23 Discharge.

24 (a) The conditions of probation and of conditional
25 discharge shall be that the person:

1 (1) not violate any criminal statute of any
2 jurisdiction;

3 (2) report to or appear in person before such person or
4 agency as directed by the court;

5 (3) refrain from possessing a firearm or other
6 dangerous weapon where the offense is a felony or, if a
7 misdemeanor, the offense involved the intentional or
8 knowing infliction of bodily harm or threat of bodily harm;

9 (4) not leave the State without the consent of the
10 court or, in circumstances in which the reason for the
11 absence is of such an emergency nature that prior consent
12 by the court is not possible, without the prior
13 notification and approval of the person's probation
14 officer. Transfer of a person's probation or conditional
15 discharge supervision to another state is subject to
16 acceptance by the other state pursuant to the Interstate
17 Compact for Adult Offender Supervision;

18 (5) permit the probation officer to visit him at his
19 home or elsewhere to the extent necessary to discharge his
20 duties;

21 (6) perform no less than 30 hours of community service
22 and not more than 120 hours of community service, if
23 community service is available in the jurisdiction and is
24 funded and approved by the county board where the offense
25 was committed, where the offense was related to or in
26 furtherance of the criminal activities of an organized gang

1 and was motivated by the offender's membership in or
2 allegiance to an organized gang. The community service
3 shall include, but not be limited to, the cleanup and
4 repair of any damage caused by a violation of Section
5 21-1.3 of the Criminal Code of 1961 and similar damage to
6 property located within the municipality or county in which
7 the violation occurred. When possible and reasonable, the
8 community service should be performed in the offender's
9 neighborhood. For purposes of this Section, "organized
10 gang" has the meaning ascribed to it in Section 10 of the
11 Illinois Streetgang Terrorism Omnibus Prevention Act;

12 (7) if he or she is at least 17 years of age and has
13 been sentenced to probation or conditional discharge for a
14 misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and has not been previously convicted of a
16 misdemeanor or felony, may be required by the sentencing
17 court to attend educational courses designed to prepare the
18 defendant for a high school diploma and to work toward a
19 high school diploma or to work toward passing the high
20 school level Test of General Educational Development (GED)
21 or to work toward completing a vocational training program
22 approved by the court. The person on probation or
23 conditional discharge must attend a public institution of
24 education to obtain the educational or vocational training
25 required by this clause (7). The court shall revoke the
26 probation or conditional discharge of a person who wilfully

1 fails to comply with this clause (7). The person on
2 probation or conditional discharge shall be required to pay
3 for the cost of the educational courses or GED test, if a
4 fee is charged for those courses or test. The court shall
5 resentence the offender whose probation or conditional
6 discharge has been revoked as provided in Section 5-6-4.
7 This clause (7) does not apply to a person who has a high
8 school diploma or has successfully passed the GED test.
9 This clause (7) does not apply to a person who is
10 determined by the court to be developmentally disabled or
11 otherwise mentally incapable of completing the educational
12 or vocational program;

13 (8) if convicted of possession of a substance
14 prohibited by the Cannabis Control Act, the Illinois
15 Controlled Substances Act, or the Methamphetamine Control
16 and Community Protection Act after a previous conviction or
17 disposition of supervision for possession of a substance
18 prohibited by the Cannabis Control Act or Illinois
19 Controlled Substances Act or after a sentence of probation
20 under Section 10 of the Cannabis Control Act, Section 410
21 of the Illinois Controlled Substances Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act
23 and upon a finding by the court that the person is
24 addicted, undergo treatment at a substance abuse program
25 approved by the court;

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall
2 undergo and successfully complete sex offender treatment
3 by a treatment provider approved by the Board and conducted
4 in conformance with the standards developed under the Sex
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the
7 Sex Offender Management Board Act, refrain from residing at
8 the same address or in the same condominium unit or
9 apartment unit or in the same condominium complex or
10 apartment complex with another person he or she knows or
11 reasonably should know is a convicted sex offender or has
12 been placed on supervision for a sex offense; the
13 provisions of this paragraph do not apply to a person
14 convicted of a sex offense who is placed in a Department of
15 Corrections licensed transitional housing facility for sex
16 offenders;

17 (8.7) if convicted for an offense committed on or after
18 June 1, 2008 (the effective date of Public Act 95-464) that
19 would qualify the accused as a child sex offender as
20 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
21 1961, refrain from communicating with or contacting, by
22 means of the Internet, a person who is not related to the
23 accused and whom the accused reasonably believes to be
24 under 18 years of age; for purposes of this paragraph
25 (8.7), "Internet" has the meaning ascribed to it in Section
26 16J-5 of the Criminal Code of 1961; and a person is not

1 related to the accused if the person is not: (i) the
2 spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

6 (8.8) if convicted for an offense under Section 11-6,
7 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
8 Code of 1961, or any attempt to commit any of these
9 offenses, committed on or after June 1, 2009 (the effective
10 date of Public Act 95-983):

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the offender's probation officer,
14 except in connection with the offender's employment or
15 search for employment with the prior approval of the
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations
18 of the offender's computer or any other device with
19 Internet capability by the offender's probation
20 officer, a law enforcement officer, or assigned
21 computer or information technology specialist,
22 including the retrieval and copying of all data from
23 the computer or device and any internal or external
24 peripherals and removal of such information,
25 equipment, or device to conduct a more thorough
26 inspection;

1 (iii) submit to the installation on the offender's
2 computer or device with Internet capability, at the
3 offender's expense, of one or more hardware or software
4 systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions
6 concerning the offender's use of or access to a
7 computer or any other device with Internet capability
8 imposed by the offender's probation officer;

9 (8.9) if convicted of a sex offense as defined in the
10 Sex Offender Registration Act committed on or after January
11 1, 2010 (the effective date of Public Act 96-262), refrain
12 from accessing or using a social networking website as
13 defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code of
14 1961;

15 (9) if convicted of a felony, physically surrender at a
16 time and place designated by the court, his or her Firearm
17 Owner's Identification Card and any and all firearms in his
18 or her possession;

19 (10) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter; and

3 (11) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed on
5 or after January 1, 2010 (the effective date of Public Act
6 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any computer
8 scrub software on any computer that the sex offender uses.

9 (b) The Court may in addition to other reasonable
10 conditions relating to the nature of the offense or the
11 rehabilitation of the defendant as determined for each
12 defendant in the proper discretion of the Court require that
13 the person:

14 (1) serve a term of periodic imprisonment under Article
15 7 for a period not to exceed that specified in paragraph
16 (d) of Section 5-7-1;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical, psychological or psychiatric
21 treatment; or treatment for drug addiction or alcoholism;

22 (5) attend or reside in a facility established for the
23 instruction or residence of defendants on probation;

24 (6) support his dependents;

25 (7) and in addition, if a minor:

26 (i) reside with his parents or in a foster home;

- 1 (ii) attend school;
- 2 (iii) attend a non-residential program for youth;
- 3 (iv) contribute to his own support at home or in a
4 foster home;
- 5 (v) with the consent of the superintendent of the
6 facility, attend an educational program at a facility
7 other than the school in which the offense was
8 committed if he or she is convicted of a crime of
9 violence as defined in Section 2 of the Crime Victims
10 Compensation Act committed in a school, on the real
11 property comprising a school, or within 1,000 feet of
12 the real property comprising a school;
- 13 (8) make restitution as provided in Section 5-5-6 of
14 this Code;
- 15 (9) perform some reasonable public or community
16 service;
- 17 (10) serve a term of home confinement. In addition to
18 any other applicable condition of probation or conditional
19 discharge, the conditions of home confinement shall be that
20 the offender:
- 21 (i) remain within the interior premises of the
22 place designated for his confinement during the hours
23 designated by the court;
- 24 (ii) admit any person or agent designated by the
25 court into the offender's place of confinement at any
26 time for purposes of verifying the offender's

1 compliance with the conditions of his confinement; and

2 (iii) if further deemed necessary by the court or
3 the Probation or Court Services Department, be placed
4 on an approved electronic monitoring device, subject
5 to Article 8A of Chapter V;

6 (iv) for persons convicted of any alcohol,
7 cannabis or controlled substance violation who are
8 placed on an approved monitoring device as a condition
9 of probation or conditional discharge, the court shall
10 impose a reasonable fee for each day of the use of the
11 device, as established by the county board in
12 subsection (g) of this Section, unless after
13 determining the inability of the offender to pay the
14 fee, the court assesses a lesser fee or no fee as the
15 case may be. This fee shall be imposed in addition to
16 the fees imposed under subsections (g) and (i) of this
17 Section. The fee shall be collected by the clerk of the
18 circuit court. The clerk of the circuit court shall pay
19 all monies collected from this fee to the county
20 treasurer for deposit in the substance abuse services
21 fund under Section 5-1086.1 of the Counties Code; and

22 (v) for persons convicted of offenses other than
23 those referenced in clause (iv) above and who are
24 placed on an approved monitoring device as a condition
25 of probation or conditional discharge, the court shall
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in
2 subsection (g) of this Section, unless after
3 determining the inability of the defendant to pay the
4 fee, the court assesses a lesser fee or no fee as the
5 case may be. This fee shall be imposed in addition to
6 the fees imposed under subsections (g) and (i) of this
7 Section. The fee shall be collected by the clerk of the
8 circuit court. The clerk of the circuit court shall pay
9 all monies collected from this fee to the county
10 treasurer who shall use the monies collected to defray
11 the costs of corrections. The county treasurer shall
12 deposit the fee collected in the county working cash
13 fund under Section 6-27001 or Section 6-29002 of the
14 Counties Code, as the case may be.

15 (11) comply with the terms and conditions of an order
16 of protection issued by the court pursuant to the Illinois
17 Domestic Violence Act of 1986, as now or hereafter amended,
18 or an order of protection issued by the court of another
19 state, tribe, or United States territory. A copy of the
20 order of protection shall be transmitted to the probation
21 officer or agency having responsibility for the case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council Act
24 for any reasonable expenses incurred by the program on the
25 offender's case, not to exceed the maximum amount of the
26 fine authorized for the offense for which the defendant was

1 sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, (i) to a
5 "local anti-crime program", as defined in Section 7 of the
6 Anti-Crime Advisory Council Act, or (ii) for offenses under
7 the jurisdiction of the Department of Natural Resources, to
8 the fund established by the Department of Natural Resources
9 for the purchase of evidence for investigation purposes and
10 to conduct investigations as outlined in Section 805-105 of
11 the Department of Natural Resources (Conservation) Law;

12 (14) refrain from entering into a designated
13 geographic area except upon such terms as the court finds
14 appropriate. Such terms may include consideration of the
15 purpose of the entry, the time of day, other persons
16 accompanying the defendant, and advance approval by a
17 probation officer, if the defendant has been placed on
18 probation or advance approval by the court, if the
19 defendant was placed on conditional discharge;

20 (15) refrain from having any contact, directly or
21 indirectly, with certain specified persons or particular
22 types of persons, including but not limited to members of
23 street gangs and drug users or dealers;

24 (16) refrain from having in his or her body the
25 presence of any illicit drug prohibited by the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act,
2 unless prescribed by a physician, and submit samples of his
3 or her blood or urine or both for tests to determine the
4 presence of any illicit drug;

5 (17) if convicted for an offense committed on or after
6 June 1, 2008 (the effective date of Public Act 95-464) that
7 would qualify the accused as a child sex offender as
8 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
9 1961, refrain from communicating with or contacting, by
10 means of the Internet, a person who is related to the
11 accused and whom the accused reasonably believes to be
12 under 18 years of age; for purposes of this paragraph (17),
13 "Internet" has the meaning ascribed to it in Section 16J-5
14 of the Criminal Code of 1961; and a person is related to
15 the accused if the person is: (i) the spouse, brother, or
16 sister of the accused; (ii) a descendant of the accused;
17 (iii) a first or second cousin of the accused; or (iv) a
18 step-child or adopted child of the accused;

19 (18) if convicted for an offense committed on or after
20 June 1, 2009 (the effective date of Public Act 95-983) that
21 would qualify as a sex offense as defined in the Sex
22 Offender Registration Act:

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the offender's probation officer,
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the
2 offender's probation officer;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's probation
6 officer, a law enforcement officer, or assigned
7 computer or information technology specialist,
8 including the retrieval and copying of all data from
9 the computer or device and any internal or external
10 peripherals and removal of such information,
11 equipment, or device to conduct a more thorough
12 inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 subject's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the offender's probation officer; and

21 (19) refrain from possessing a firearm or other
22 dangerous weapon where the offense is a misdemeanor that
23 did not involve the intentional or knowing infliction of
24 bodily harm or threat of bodily harm.

25 (c) The court may as a condition of probation or of
26 conditional discharge require that a person under 18 years of

1 age found guilty of any alcohol, cannabis or controlled
2 substance violation, refrain from acquiring a driver's license
3 during the period of probation or conditional discharge. If
4 such person is in possession of a permit or license, the court
5 may require that the minor refrain from driving or operating
6 any motor vehicle during the period of probation or conditional
7 discharge, except as may be necessary in the course of the
8 minor's lawful employment.

9 (d) An offender sentenced to probation or to conditional
10 discharge shall be given a certificate setting forth the
11 conditions thereof.

12 (e) Except where the offender has committed a fourth or
13 subsequent violation of subsection (c) of Section 6-303 of the
14 Illinois Vehicle Code, the court shall not require as a
15 condition of the sentence of probation or conditional discharge
16 that the offender be committed to a period of imprisonment in
17 excess of 6 months. This 6 month limit shall not include
18 periods of confinement given pursuant to a sentence of county
19 impact incarceration under Section 5-8-1.2.

20 Persons committed to imprisonment as a condition of
21 probation or conditional discharge shall not be committed to
22 the Department of Corrections.

23 (f) The court may combine a sentence of periodic
24 imprisonment under Article 7 or a sentence to a county impact
25 incarceration program under Article 8 with a sentence of
26 probation or conditional discharge.

1 (g) An offender sentenced to probation or to conditional
2 discharge and who during the term of either undergoes mandatory
3 drug or alcohol testing, or both, or is assigned to be placed
4 on an approved electronic monitoring device, shall be ordered
5 to pay all costs incidental to such mandatory drug or alcohol
6 testing, or both, and all costs incidental to such approved
7 electronic monitoring in accordance with the defendant's
8 ability to pay those costs. The county board with the
9 concurrence of the Chief Judge of the judicial circuit in which
10 the county is located shall establish reasonable fees for the
11 cost of maintenance, testing, and incidental expenses related
12 to the mandatory drug or alcohol testing, or both, and all
13 costs incidental to approved electronic monitoring, involved
14 in a successful probation program for the county. The
15 concurrence of the Chief Judge shall be in the form of an
16 administrative order. The fees shall be collected by the clerk
17 of the circuit court. The clerk of the circuit court shall pay
18 all moneys collected from these fees to the county treasurer
19 who shall use the moneys collected to defray the costs of drug
20 testing, alcohol testing, and electronic monitoring. The
21 county treasurer shall deposit the fees collected in the county
22 working cash fund under Section 6-27001 or Section 6-29002 of
23 the Counties Code, as the case may be.

24 (h) Jurisdiction over an offender may be transferred from
25 the sentencing court to the court of another circuit with the
26 concurrence of both courts. Further transfers or retransfers of

1 jurisdiction are also authorized in the same manner. The court
2 to which jurisdiction has been transferred shall have the same
3 powers as the sentencing court.

4 (i) The court shall impose upon an offender sentenced to
5 probation after January 1, 1989 or to conditional discharge
6 after January 1, 1992 or to community service under the
7 supervision of a probation or court services department after
8 January 1, 2004, as a condition of such probation or
9 conditional discharge or supervised community service, a fee of
10 \$50 for each month of probation or conditional discharge
11 supervision or supervised community service ordered by the
12 court, unless after determining the inability of the person
13 sentenced to probation or conditional discharge or supervised
14 community service to pay the fee, the court assesses a lesser
15 fee. The court may not impose the fee on a minor who is made a
16 ward of the State under the Juvenile Court Act of 1987 while
17 the minor is in placement. The fee shall be imposed only upon
18 an offender who is actively supervised by the probation and
19 court services department. The fee shall be collected by the
20 clerk of the circuit court. The clerk of the circuit court
21 shall pay all monies collected from this fee to the county
22 treasurer for deposit in the probation and court services fund
23 under Section 15.1 of the Probation and Probation Officers Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless the circuit
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an offender's
2 ability to pay Of the amount collected as a probation fee, up
3 to \$5 of that fee collected per month may be used to provide
4 services to crime victims and their families.

5 The Court may only waive probation fees based on an
6 offender's ability to pay. The probation department may
7 re-evaluate an offender's ability to pay every 6 months, and,
8 with the approval of the Director of Court Services or the
9 Chief Probation Officer, adjust the monthly fee amount. An
10 offender may elect to pay probation fees due in a lump sum. Any
11 offender that has been assigned to the supervision of a
12 probation department, or has been transferred either under
13 subsection (h) of this Section or under any interstate compact,
14 shall be required to pay probation fees to the department
15 supervising the offender, based on the offender's ability to
16 pay.

17 This amendatory Act of the 93rd General Assembly deletes
18 the \$10 increase in the fee under this subsection that was
19 imposed by Public Act 93-616. This deletion is intended to
20 control over any other Act of the 93rd General Assembly that
21 retains or incorporates that fee increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation department
26 has determined to be sexually motivated (as defined in the Sex

1 Offender Management Board Act), the court or the probation
2 department shall assess additional fees to pay for all costs of
3 treatment, assessment, evaluation for risk and treatment, and
4 monitoring the offender, based on that offender's ability to
5 pay those costs either as they occur or under a payment plan.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (k) Any offender who is sentenced to probation or
14 conditional discharge for a felony sex offense as defined in
15 the Sex Offender Management Board Act or any offense that the
16 court or probation department has determined to be sexually
17 motivated as defined in the Sex Offender Management Board Act
18 shall be required to refrain from any contact, directly or
19 indirectly, with any persons specified by the court and shall
20 be available for all evaluations and treatment programs
21 required by the court or the probation department.

22 (l) The court may order an offender who is sentenced to
23 probation or conditional discharge for a violation of an order
24 of protection be placed under electronic surveillance as
25 provided in Section 5-8A-7 of this Code.

26 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;

1 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;
2 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;
3 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.
4 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)

5 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

6 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

7 (a) When a defendant is placed on supervision, the court
8 shall enter an order for supervision specifying the period of
9 such supervision, and shall defer further proceedings in the
10 case until the conclusion of the period.

11 (b) The period of supervision shall be reasonable under all
12 of the circumstances of the case, but may not be longer than 2
13 years, unless the defendant has failed to pay the assessment
14 required by Section 10.3 of the Cannabis Control Act, Section
15 411.2 of the Illinois Controlled Substances Act, or Section 80
16 of the Methamphetamine Control and Community Protection Act, in
17 which case the court may extend supervision beyond 2 years.
18 Additionally, the court shall order the defendant to perform no
19 less than 30 hours of community service and not more than 120
20 hours of community service, if community service is available
21 in the jurisdiction and is funded and approved by the county
22 board where the offense was committed, when the offense (1) was
23 related to or in furtherance of the criminal activities of an
24 organized gang or was motivated by the defendant's membership
25 in or allegiance to an organized gang; or (2) is a violation of

1 any Section of Article 24 of the Criminal Code of 1961 where a
2 disposition of supervision is not prohibited by Section 5-6-1
3 of this Code. The community service shall include, but not be
4 limited to, the cleanup and repair of any damage caused by
5 violation of Section 21-1.3 of the Criminal Code of 1961 and
6 similar damages to property located within the municipality or
7 county in which the violation occurred. Where possible and
8 reasonable, the community service should be performed in the
9 offender's neighborhood.

10 For the purposes of this Section, "organized gang" has the
11 meaning ascribed to it in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

13 (c) The court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the court require that
17 the person:

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of supervision;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical, psychological or psychiatric
26 treatment; or treatment for drug addiction or alcoholism;

1 (5) attend or reside in a facility established for the
2 instruction or residence of defendants on probation;

3 (6) support his dependents;

4 (7) refrain from possessing a firearm or other
5 dangerous weapon;

6 (8) and in addition, if a minor:

7 (i) reside with his parents or in a foster home;

8 (ii) attend school;

9 (iii) attend a non-residential program for youth;

10 (iv) contribute to his own support at home or in a
11 foster home; or

12 (v) with the consent of the superintendent of the
13 facility, attend an educational program at a facility
14 other than the school in which the offense was
15 committed if he or she is placed on supervision for a
16 crime of violence as defined in Section 2 of the Crime
17 Victims Compensation Act committed in a school, on the
18 real property comprising a school, or within 1,000 feet
19 of the real property comprising a school;

20 (9) make restitution or reparation in an amount not to
21 exceed actual loss or damage to property and pecuniary loss
22 or make restitution under Section 5-5-6 to a domestic
23 violence shelter. The court shall determine the amount and
24 conditions of payment;

25 (10) perform some reasonable public or community
26 service;

1 (11) comply with the terms and conditions of an order
2 of protection issued by the court pursuant to the Illinois
3 Domestic Violence Act of 1986 or an order of protection
4 issued by the court of another state, tribe, or United
5 States territory. If the court has ordered the defendant to
6 make a report and appear in person under paragraph (1) of
7 this subsection, a copy of the order of protection shall be
8 transmitted to the person or agency so designated by the
9 court;

10 (12) reimburse any "local anti-crime program" as
11 defined in Section 7 of the Anti-Crime Advisory Council Act
12 for any reasonable expenses incurred by the program on the
13 offender's case, not to exceed the maximum amount of the
14 fine authorized for the offense for which the defendant was
15 sentenced;

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses under
21 the jurisdiction of the Department of Natural Resources, to
22 the fund established by the Department of Natural Resources
23 for the purchase of evidence for investigation purposes and
24 to conduct investigations as outlined in Section 805-105 of
25 the Department of Natural Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds
2 appropriate. Such terms may include consideration of the
3 purpose of the entry, the time of day, other persons
4 accompanying the defendant, and advance approval by a
5 probation officer;

6 (15) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of person, including but not limited to members of
9 street gangs and drug users or dealers;

10 (16) refrain from having in his or her body the
11 presence of any illicit drug prohibited by the Cannabis
12 Control Act, the Illinois Controlled Substances Act, or the
13 Methamphetamine Control and Community Protection Act,
14 unless prescribed by a physician, and submit samples of his
15 or her blood or urine or both for tests to determine the
16 presence of any illicit drug;

17 (17) refrain from operating any motor vehicle not
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1 of the Illinois Vehicle Code; under this
20 condition the court may allow a defendant who is not
21 self-employed to operate a vehicle owned by the defendant's
22 employer that is not equipped with an ignition interlock
23 device in the course and scope of the defendant's
24 employment; and

25 (18) if placed on supervision for a sex offense as
26 defined in subsection (a-5) of Section 3-1-2 of this Code,

1 unless the offender is a parent or guardian of the person
2 under 18 years of age present in the home and no
3 non-familial minors are present, not participate in a
4 holiday event involving children under 18 years of age,
5 such as distributing candy or other items to children on
6 Halloween, wearing a Santa Claus costume on or preceding
7 Christmas, being employed as a department store Santa
8 Claus, or wearing an Easter Bunny costume on or preceding
9 Easter.

10 (d) The court shall defer entering any judgment on the
11 charges until the conclusion of the supervision.

12 (e) At the conclusion of the period of supervision, if the
13 court determines that the defendant has successfully complied
14 with all of the conditions of supervision, the court shall
15 discharge the defendant and enter a judgment dismissing the
16 charges.

17 (f) Discharge and dismissal upon a successful conclusion of
18 a disposition of supervision shall be deemed without
19 adjudication of guilt and shall not be termed a conviction for
20 purposes of disqualification or disabilities imposed by law
21 upon conviction of a crime. Two years after the discharge and
22 dismissal under this Section, unless the disposition of
23 supervision was for a violation of Sections 3-707, 3-708,
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, or for a violation of
26 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which

1 case it shall be 5 years after discharge and dismissal, a
2 person may have his record of arrest sealed or expunged as may
3 be provided by law. However, any defendant placed on
4 supervision before January 1, 1980, may move for sealing or
5 expungement of his arrest record, as provided by law, at any
6 time after discharge and dismissal under this Section. A person
7 placed on supervision for a sexual offense committed against a
8 minor as defined in clause (a)(1)(L) of Section 5.2 of the
9 Criminal Identification Act or for a violation of Section
10 11-501 of the Illinois Vehicle Code or a similar provision of a
11 local ordinance shall not have his or her record of arrest
12 sealed or expunged.

13 (g) A defendant placed on supervision and who during the
14 period of supervision undergoes mandatory drug or alcohol
15 testing, or both, or is assigned to be placed on an approved
16 electronic monitoring device, shall be ordered to pay the costs
17 incidental to such mandatory drug or alcohol testing, or both,
18 and costs incidental to such approved electronic monitoring in
19 accordance with the defendant's ability to pay those costs. The
20 county board with the concurrence of the Chief Judge of the
21 judicial circuit in which the county is located shall establish
22 reasonable fees for the cost of maintenance, testing, and
23 incidental expenses related to the mandatory drug or alcohol
24 testing, or both, and all costs incidental to approved
25 electronic monitoring, of all defendants placed on
26 supervision. The concurrence of the Chief Judge shall be in the

1 form of an administrative order. The fees shall be collected by
2 the clerk of the circuit court. The clerk of the circuit court
3 shall pay all moneys collected from these fees to the county
4 treasurer who shall use the moneys collected to defray the
5 costs of drug testing, alcohol testing, and electronic
6 monitoring. The county treasurer shall deposit the fees
7 collected in the county working cash fund under Section 6-27001
8 or Section 6-29002 of the Counties Code, as the case may be.

9 (h) A disposition of supervision is a final order for the
10 purposes of appeal.

11 (i) The court shall impose upon a defendant placed on
12 supervision after January 1, 1992 or to community service under
13 the supervision of a probation or court services department
14 after January 1, 2004, as a condition of supervision or
15 supervised community service, a fee of \$50 for each month of
16 supervision or supervised community service ordered by the
17 court, unless after determining the inability of the person
18 placed on supervision or supervised community service to pay
19 the fee, the court assesses a lesser fee. The court may not
20 impose the fee on a minor who is made a ward of the State under
21 the Juvenile Court Act of 1987 while the minor is in placement.
22 The fee shall be imposed only upon a defendant who is actively
23 supervised by the probation and court services department. The
24 fee shall be collected by the clerk of the circuit court. The
25 clerk of the circuit court shall pay all monies collected from
26 this fee to the county treasurer for deposit in the probation

1 and court services fund pursuant to Section 15.1 of the
2 Probation and Probation Officers Act.

3 A circuit court may not impose a probation fee in excess of
4 \$25 per month unless the circuit court has adopted, by
5 administrative order issued by the chief judge, a standard
6 probation fee guide determining an offender's ability to pay.
7 Of the amount collected as a probation fee, not to exceed \$5 of
8 that fee collected per month may be used to provide services to
9 crime victims and their families.

10 The Court may only waive probation fees based on an
11 offender's ability to pay. The probation department may
12 re-evaluate an offender's ability to pay every 6 months, and,
13 with the approval of the Director of Court Services or the
14 Chief Probation Officer, adjust the monthly fee amount. An
15 offender may elect to pay probation fees due in a lump sum. Any
16 offender that has been assigned to the supervision of a
17 probation department, or has been transferred either under
18 subsection (h) of this Section or under any interstate compact,
19 shall be required to pay probation fees to the department
20 supervising the offender, based on the offender's ability to
21 pay.

22 (j) All fines and costs imposed under this Section for any
23 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
24 Code, or a similar provision of a local ordinance, and any
25 violation of the Child Passenger Protection Act, or a similar
26 provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under Section 27.5
2 of the Clerks of Courts Act.

3 (k) A defendant at least 17 years of age who is placed on
4 supervision for a misdemeanor in a county of 3,000,000 or more
5 inhabitants and who has not been previously convicted of a
6 misdemeanor or felony may as a condition of his or her
7 supervision be required by the court to attend educational
8 courses designed to prepare the defendant for a high school
9 diploma and to work toward a high school diploma or to work
10 toward passing the high school level Test of General
11 Educational Development (GED) or to work toward completing a
12 vocational training program approved by the court. The
13 defendant placed on supervision must attend a public
14 institution of education to obtain the educational or
15 vocational training required by this subsection (k). The
16 defendant placed on supervision shall be required to pay for
17 the cost of the educational courses or GED test, if a fee is
18 charged for those courses or test. The court shall revoke the
19 supervision of a person who wilfully fails to comply with this
20 subsection (k). The court shall resentence the defendant upon
21 revocation of supervision as provided in Section 5-6-4. This
22 subsection (k) does not apply to a defendant who has a high
23 school diploma or has successfully passed the GED test. This
24 subsection (k) does not apply to a defendant who is determined
25 by the court to be developmentally disabled or otherwise
26 mentally incapable of completing the educational or vocational

1 program.

2 (l) The court shall require a defendant placed on
3 supervision for possession of a substance prohibited by the
4 Cannabis Control Act, the Illinois Controlled Substances Act,
5 or the Methamphetamine Control and Community Protection Act
6 after a previous conviction or disposition of supervision for
7 possession of a substance prohibited by the Cannabis Control
8 Act, the Illinois Controlled Substances Act, or the
9 Methamphetamine Control and Community Protection Act or a
10 sentence of probation under Section 10 of the Cannabis Control
11 Act or Section 410 of the Illinois Controlled Substances Act
12 and after a finding by the court that the person is addicted,
13 to undergo treatment at a substance abuse program approved by
14 the court.

15 (m) The Secretary of State shall require anyone placed on
16 court supervision for a violation of Section 3-707 of the
17 Illinois Vehicle Code or a similar provision of a local
18 ordinance to give proof of his or her financial responsibility
19 as defined in Section 7-315 of the Illinois Vehicle Code. The
20 proof shall be maintained by the individual in a manner
21 satisfactory to the Secretary of State for a minimum period of
22 3 years after the date the proof is first filed. The proof
23 shall be limited to a single action per arrest and may not be
24 affected by any post-sentence disposition. The Secretary of
25 State shall suspend the driver's license of any person
26 determined by the Secretary to be in violation of this

1 subsection.

2 (n) Any offender placed on supervision for any offense that
3 the court or probation department has determined to be sexually
4 motivated as defined in the Sex Offender Management Board Act
5 shall be required to refrain from any contact, directly or
6 indirectly, with any persons specified by the court and shall
7 be available for all evaluations and treatment programs
8 required by the court or the probation department.

9 (o) An offender placed on supervision for a sex offense as
10 defined in the Sex Offender Management Board Act shall refrain
11 from residing at the same address or in the same condominium
12 unit or apartment unit or in the same condominium complex or
13 apartment complex with another person he or she knows or
14 reasonably should know is a convicted sex offender or has been
15 placed on supervision for a sex offense. The provisions of this
16 subsection (o) do not apply to a person convicted of a sex
17 offense who is placed in a Department of Corrections licensed
18 transitional housing facility for sex offenders.

19 (p) An offender placed on supervision for an offense
20 committed on or after June 1, 2008 (the effective date of
21 Public Act 95-464) that would qualify the accused as a child
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the
23 Criminal Code of 1961 shall refrain from communicating with or
24 contacting, by means of the Internet, a person who is not
25 related to the accused and whom the accused reasonably believes
26 to be under 18 years of age. For purposes of this subsection

1 (p), "Internet" has the meaning ascribed to it in Section 16J-5
2 of the Criminal Code of 1961; and a person is not related to
3 the accused if the person is not: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused; (iii)
5 a first or second cousin of the accused; or (iv) a step-child
6 or adopted child of the accused.

7 (q) An offender placed on supervision for an offense
8 committed on or after June 1, 2008 (the effective date of
9 Public Act 95-464) that would qualify the accused as a child
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961 shall, if so ordered by the court,
12 refrain from communicating with or contacting, by means of the
13 Internet, a person who is related to the accused and whom the
14 accused reasonably believes to be under 18 years of age. For
15 purposes of this subsection (q), "Internet" has the meaning
16 ascribed to it in Section 16J-5 of the Criminal Code of 1961;
17 and a person is related to the accused if the person is: (i)
18 the spouse, brother, or sister of the accused; (ii) a
19 descendant of the accused; (iii) a first or second cousin of
20 the accused; or (iv) a step-child or adopted child of the
21 accused.

22 (r) An offender placed on supervision for an offense under
23 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of
24 the Criminal Code of 1961, or any attempt to commit any of
25 these offenses, committed on or after the effective date of
26 this amendatory Act of the 95th General Assembly shall:

1 (i) not access or use a computer or any other device
2 with Internet capability without the prior written
3 approval of the court, except in connection with the
4 offender's employment or search for employment with the
5 prior approval of the court;

6 (ii) submit to periodic unannounced examinations of
7 the offender's computer or any other device with Internet
8 capability by the offender's probation officer, a law
9 enforcement officer, or assigned computer or information
10 technology specialist, including the retrieval and copying
11 of all data from the computer or device and any internal or
12 external peripherals and removal of such information,
13 equipment, or device to conduct a more thorough inspection;

14 (iii) submit to the installation on the offender's
15 computer or device with Internet capability, at the
16 offender's expense, of one or more hardware or software
17 systems to monitor the Internet use; and

18 (iv) submit to any other appropriate restrictions
19 concerning the offender's use of or access to a computer or
20 any other device with Internet capability imposed by the
21 court.

22 (s) An offender placed on supervision for an offense that
23 is a sex offense as defined in Section 2 of the Sex Offender
24 Registration Act that is committed on or after January 1, 2010
25 (the effective date of Public Act 96-362) that requires the
26 person to register as a sex offender under that Act, may not

1 knowingly use any computer scrub software on any computer that
2 the sex offender uses.

3 (t) An offender placed on supervision for a sex offense as
4 defined in the Sex Offender Registration Act committed on or
5 after January 1, 2010 (the effective date of Public Act 96-262)
6 shall refrain from accessing or using a social networking
7 website as defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code
8 of 1961.

9 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;
10 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;
11 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;
12 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.
13 1-1-11.)

14 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
15 Sec. 5-8-4. Concurrent and consecutive terms of
16 imprisonment.

17 (a) Concurrent terms; multiple or additional sentences.
18 When an Illinois court (i) imposes multiple sentences of
19 imprisonment on a defendant at the same time or (ii) imposes a
20 sentence of imprisonment on a defendant who is already subject
21 to a sentence of imprisonment imposed by an Illinois court, a
22 court of another state, or a federal court, then the sentences
23 shall run concurrently unless otherwise determined by the
24 Illinois court under this Section.

25 (b) Concurrent terms; misdemeanor and felony. A defendant

1 serving a sentence for a misdemeanor who is convicted of a
2 felony and sentenced to imprisonment shall be transferred to
3 the Department of Corrections, and the misdemeanor sentence
4 shall be merged in and run concurrently with the felony
5 sentence.

6 (c) Consecutive terms; permissive. The court may impose
7 consecutive sentences in any of the following circumstances:

8 (1) If, having regard to the nature and circumstances
9 of the offense and the history and character of the
10 defendant, it is the opinion of the court that consecutive
11 sentences are required to protect the public from further
12 criminal conduct by the defendant, the basis for which the
13 court shall set forth in the record.

14 (2) If one of the offenses for which a defendant was
15 convicted was a violation of Section 32-5.2 (aggravated
16 false personation of a peace officer) of the Criminal Code
17 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
18 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS
19 5/17-2) and the offense was committed in attempting or
20 committing a forcible felony.

21 (d) Consecutive terms; mandatory. The court shall impose
22 consecutive sentences in each of the following circumstances:

23 (1) One of the offenses for which the defendant was
24 convicted was first degree murder or a Class X or Class 1
25 felony and the defendant inflicted severe bodily injury.

26 (2) The defendant was convicted of a violation of

1 Section 12-13 (criminal sexual assault), 12-14 (aggravated
2 criminal sexual assault), or 12-14.1 (predatory criminal
3 sexual assault of a child) of the Criminal Code of 1961
4 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

5 (3) The defendant was convicted of armed violence based
6 upon the predicate offense of any of the following:
7 solicitation of murder, solicitation of murder for hire,
8 heinous battery, aggravated battery of a senior citizen,
9 criminal sexual assault, a violation of subsection (g) of
10 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
11 cannabis trafficking, a violation of subsection (a) of
12 Section 401 of the Illinois Controlled Substances Act (720
13 ILCS 570/401), controlled substance trafficking involving
14 a Class X felony amount of controlled substance under
15 Section 401 of the Illinois Controlled Substances Act (720
16 ILCS 570/401), a violation of the Methamphetamine Control
17 and Community Protection Act (720 ILCS 646/), calculated
18 criminal drug conspiracy, or streetgang criminal drug
19 conspiracy.

20 (4) The defendant was convicted of the offense of
21 leaving the scene of a motor vehicle accident involving
22 death or personal injuries under Section 11-401 of the
23 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
24 aggravated driving under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof under Section 11-501 of the

1 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
2 homicide under Section 9-3 of the Criminal Code of 1961
3 (720 ILCS 5/9-3), or (C) both an offense described in item
4 (A) and an offense described in item (B).

5 (5) The defendant was convicted of a violation of
6 Section 9-3.1 (concealment of homicidal death) or Section
7 12-20.5 (dismembering a human body) of the Criminal Code of
8 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

9 (5.5) The defendant was convicted of a violation of
10 Section 24-3.7 (use of a stolen firearm in the commission
11 of an offense) of the Criminal Code of 1961.

12 (6) If the defendant was in the custody of the
13 Department of Corrections at the time of the commission of
14 the offense, the sentence shall be served consecutive to
15 the sentence under which the defendant is held by the
16 Department of Corrections. If, however, the defendant is
17 sentenced to punishment by death, the sentence shall be
18 executed at such time as the court may fix without regard
19 to the sentence under which the defendant may be held by
20 the Department.

21 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
22 for escape or attempted escape shall be served consecutive
23 to the terms under which the offender is held by the
24 Department of Corrections.

25 (8) If a person charged with a felony commits a
26 separate felony while on pretrial release or in pretrial

1 detention in a county jail facility or county detention
2 facility, then the sentences imposed upon conviction of
3 these felonies shall be served consecutively regardless of
4 the order in which the judgments of conviction are entered.

5 (8.5) If a person commits a battery against a county
6 correctional officer or sheriff's employee while serving a
7 sentence or in pretrial detention in a county jail
8 facility, then the sentence imposed upon conviction of the
9 battery shall be served consecutively with the sentence
10 imposed upon conviction of the earlier misdemeanor or
11 felony, regardless of the order in which the judgments of
12 conviction are entered.

13 (9) If a person admitted to bail following conviction
14 of a felony commits a separate felony while free on bond or
15 if a person detained in a county jail facility or county
16 detention facility following conviction of a felony
17 commits a separate felony while in detention, then any
18 sentence following conviction of the separate felony shall
19 be consecutive to that of the original sentence for which
20 the defendant was on bond or detained.

21 (10) If a person is found to be in possession of an
22 item of contraband, as defined in clause (c)(2) of Section
23 31A-1.1 of the Criminal Code of 1961, while serving a
24 sentence in a county jail or while in pre-trial detention
25 in a county jail, the sentence imposed upon conviction for
26 the offense of possessing contraband in a penal institution

1 shall be served consecutively to the sentence imposed for
2 the offense in which the person is serving sentence in the
3 county jail or serving pretrial detention, regardless of
4 the order in which the judgments of conviction are entered.

5 (11) If a person is sentenced for a violation of bail
6 bond under Section 32-10 of the Criminal Code of 1961, any
7 sentence imposed for that violation shall be served
8 consecutive to the sentence imposed for the charge for
9 which bail had been granted and with respect to which the
10 defendant has been convicted.

11 (e) Consecutive terms; subsequent non-Illinois term. If an
12 Illinois court has imposed a sentence of imprisonment on a
13 defendant and the defendant is subsequently sentenced to a term
14 of imprisonment by a court of another state or a federal court,
15 then the Illinois sentence shall run consecutively to the
16 sentence imposed by the court of the other state or the federal
17 court. That same Illinois court, however, may order that the
18 Illinois sentence run concurrently with the sentence imposed by
19 the court of the other state or the federal court, but only if
20 the defendant applies to that same Illinois court within 30
21 days after the sentence imposed by the court of the other state
22 or the federal court is finalized.

23 (f) Consecutive terms; aggregate maximums and minimums.
24 The aggregate maximum and aggregate minimum of consecutive
25 sentences shall be determined as follows:

26 (1) For sentences imposed under law in effect prior to

1 February 1, 1978, the aggregate maximum of consecutive
2 sentences shall not exceed the maximum term authorized
3 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
4 Chapter V for the 2 most serious felonies involved. The
5 aggregate minimum period of consecutive sentences shall
6 not exceed the highest minimum term authorized under
7 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
8 V for the 2 most serious felonies involved. When sentenced
9 only for misdemeanors, a defendant shall not be
10 consecutively sentenced to more than the maximum for one
11 Class A misdemeanor.

12 (2) For sentences imposed under the law in effect on or
13 after February 1, 1978, the aggregate of consecutive
14 sentences for offenses that were committed as part of a
15 single course of conduct during which there was no
16 substantial change in the nature of the criminal objective
17 shall not exceed the sum of the maximum terms authorized
18 under Article 4.5 of Chapter V for the 2 most serious
19 felonies involved, but no such limitation shall apply for
20 offenses that were not committed as part of a single course
21 of conduct during which there was no substantial change in
22 the nature of the criminal objective. When sentenced only
23 for misdemeanors, a defendant shall not be consecutively
24 sentenced to more than the maximum for one Class A
25 misdemeanor.

26 (g) Consecutive terms; manner served. In determining the

1 manner in which consecutive sentences of imprisonment, one or
2 more of which is for a felony, will be served, the Department
3 of Corrections shall treat the defendant as though he or she
4 had been committed for a single term subject to each of the
5 following:

6 (1) The maximum period of a term of imprisonment shall
7 consist of the aggregate of the maximums of the imposed
8 indeterminate terms, if any, plus the aggregate of the
9 imposed determinate sentences for felonies, plus the
10 aggregate of the imposed determinate sentences for
11 misdemeanors, subject to subsection (f) of this Section.

12 (2) The parole or mandatory supervised release term
13 shall be as provided in paragraph (e) of Section 5-4.5-50
14 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
15 involved.

16 (3) The minimum period of imprisonment shall be the
17 aggregate of the minimum and determinate periods of
18 imprisonment imposed by the court, subject to subsection
19 (f) of this Section.

20 (4) The defendant shall be awarded credit against the
21 aggregate maximum term and the aggregate minimum term of
22 imprisonment for all time served in an institution since
23 the commission of the offense or offenses and as a
24 consequence thereof at the rate specified in Section 3-6-3
25 (730 ILCS 5/3-6-3).

26 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;

1 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.
2 7-2-10; 96-1200, eff. 7-22-10.)

3 (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

4 Sec. 5-9-1.3. Fines for offenses involving theft,
5 deceptive practices, and offenses against units of local
6 government or school districts.

7 (a) When a person has been adjudged guilty of a felony
8 under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, or 17-1 of
9 the Criminal Code of 1961, a fine may be levied by the court in
10 an amount which is the greater of \$25,000 or twice the value of
11 the property which is the subject of the offense.

12 (b) When a person has been convicted of a felony under
13 Section 16-1 of the Criminal Code of 1961 and the theft was
14 committed upon any unit of local government or school district,
15 or the person has been convicted of any violation of Sections
16 33C-1 through 33C-4 or Sections 33E-3 through 33E-18, or
17 subsection (a), (b), (c), or (d) of Section 17-10.3, of the
18 Criminal Code of 1961, a fine may be levied by the court in an
19 amount that is the greater of \$25,000 or treble the value of
20 the property which is the subject of the offense or loss to the
21 unit of local government or school district.

22 (c) All fines imposed under subsection (b) of this Section
23 shall be distributed as follows:

24 (1) An amount equal to 30% shall be distributed to the
25 unit of local government or school district that was the

1 victim of the offense;

2 (2) An amount equal to 30% shall be distributed to the
3 unit of local government whose officers or employees
4 conducted the investigation into the crimes against the
5 unit of local government or school district. Amounts
6 distributed to units of local government shall be used
7 solely for the enforcement of criminal laws protecting
8 units of local government or school districts;

9 (3) An amount equal to 30% shall be distributed to the
10 State's Attorney of the county in which the prosecution
11 resulting in the conviction was instituted. The funds shall
12 be used solely for the enforcement of criminal laws
13 protecting units of local government or school districts;
14 and

15 (4) An amount equal to 10% shall be distributed to the
16 circuit court clerk of the county where the prosecution
17 resulting in the conviction was instituted.

18 (d) A fine order under subsection (b) of this Section is a
19 judgment lien in favor of the victim unit of local government
20 or school district, the State's Attorney of the county where
21 the violation occurred, the law enforcement agency that
22 investigated the violation, and the circuit court clerk.

23 (Source: P.A. 96-1200, eff. 7-22-10.)

24 Section 10-155. The Probate Act of 1975 is amended by
25 changing Sections 2-6.2 and 2-6.6 as follows:

1 (755 ILCS 5/2-6.2)

2 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
3 elderly person or a person with a disability.

4 (a) In this Section:

5 "Abuse" means any offense described in Section 12-21 of the
6 Criminal Code of 1961.

7 "Financial exploitation" means any offense described in
8 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

9 "Neglect" means any offense described in Section 12-19 of
10 the Criminal Code of 1961.

11 (b) Persons convicted of financial exploitation, abuse, or
12 neglect of an elderly person or a person with a disability
13 shall not receive any property, benefit, or other interest by
14 reason of the death of that elderly person or person with a
15 disability, whether as heir, legatee, beneficiary, survivor,
16 appointee, claimant under Section 18-1.1, or in any other
17 capacity and whether the property, benefit, or other interest
18 passes pursuant to any form of title registration, testamentary
19 or nontestamentary instrument, intestacy, renunciation, or any
20 other circumstance. The property, benefit, or other interest
21 shall pass as if the person convicted of the financial
22 exploitation, abuse, or neglect died before the decedent,
23 provided that with respect to joint tenancy property the
24 interest possessed prior to the death by the person convicted
25 of the financial exploitation, abuse, or neglect shall not be

1 diminished by the application of this Section. Notwithstanding
2 the foregoing, a person convicted of financial exploitation,
3 abuse, or neglect of an elderly person or a person with a
4 disability shall be entitled to receive property, a benefit, or
5 an interest in any capacity and under any circumstances
6 described in this subsection (b) if it is demonstrated by clear
7 and convincing evidence that the victim of that offense knew of
8 the conviction and subsequent to the conviction expressed or
9 ratified his or her intent to transfer the property, benefit,
10 or interest to the person convicted of financial exploitation,
11 abuse, or neglect of an elderly person or a person with a
12 disability in any manner contemplated by this subsection (b).

13 (c) (1) The holder of any property subject to the
14 provisions of this Section shall not be liable for
15 distributing or releasing the property to the person
16 convicted of financial exploitation, abuse, or neglect of
17 an elderly person or a person with a disability if the
18 distribution or release occurs prior to the conviction.

19 (2) If the holder is a financial institution, trust
20 company, trustee, or similar entity or person, the holder
21 shall not be liable for any distribution or release of the
22 property, benefit, or other interest to the person
23 convicted of a violation of Section 12-19, 12-21, ~~or~~
24 16-1.3, or 17-56 of the Criminal Code of 1961 unless the
25 holder knowingly distributes or releases the property,
26 benefit, or other interest to the person so convicted after

1 first having received actual written notice of the
2 conviction in sufficient time to act upon the notice.

3 (d) If the holder of any property subject to the provisions
4 of this Section knows that a potential beneficiary has been
5 convicted of financial exploitation, abuse, or neglect of an
6 elderly person or a person with a disability within the scope
7 of this Section, the holder shall fully cooperate with law
8 enforcement authorities and judicial officers in connection
9 with any investigation of the financial exploitation, abuse, or
10 neglect. If the holder is a person or entity that is subject to
11 regulation by a regulatory agency pursuant to the laws of this
12 or any other state or pursuant to the laws of the United
13 States, including but not limited to the business of a
14 financial institution, corporate fiduciary, or insurance
15 company, then such person or entity shall not be deemed to be
16 in violation of this Section to the extent that privacy laws
17 and regulations applicable to such person or entity prevent it
18 from voluntarily providing law enforcement authorities or
19 judicial officers with information.

20 (Source: P.A. 95-315, eff. 1-1-08.)

21 (755 ILCS 5/2-6.6)

22 Sec. 2-6.6. Person convicted of certain offenses against
23 the elderly or disabled. A person who is convicted of a
24 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
25 Criminal Code of 1961 may not receive any property, benefit, or

1 other interest by reason of the death of the victim of that
2 offense, whether as heir, legatee, beneficiary, joint tenant,
3 tenant by the entirety, survivor, appointee, or in any other
4 capacity and whether the property, benefit, or other interest
5 passes pursuant to any form of title registration, testamentary
6 or nontestamentary instrument, intestacy, renunciation, or any
7 other circumstance. The property, benefit, or other interest
8 shall pass as if the person convicted of a violation of Section
9 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961
10 died before the decedent; provided that with respect to joint
11 tenancy property or property held in tenancy by the entirety,
12 the interest possessed prior to the death by the person
13 convicted may not be diminished by the application of this
14 Section. Notwithstanding the foregoing, a person convicted of a
15 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
16 Criminal Code of 1961 shall be entitled to receive property, a
17 benefit, or an interest in any capacity and under any
18 circumstances described in this Section if it is demonstrated
19 by clear and convincing evidence that the victim of that
20 offense knew of the conviction and subsequent to the conviction
21 expressed or ratified his or her intent to transfer the
22 property, benefit, or interest to the person convicted of a
23 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
24 Criminal Code of 1961 in any manner contemplated by this
25 Section.

26 The holder of any property subject to the provisions of

1 this Section is not liable for distributing or releasing the
2 property to the person convicted of violating Section 12-19,
3 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961.

4 If the holder is a financial institution, trust company,
5 trustee, or similar entity or person, the holder shall not be
6 liable for any distribution or release of the property,
7 benefit, or other interest to the person convicted of a
8 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the
9 Criminal Code of 1961 unless the holder knowingly distributes
10 or releases the property, benefit, or other interest to the
11 person so convicted after first having received actual written
12 notice of the conviction in sufficient time to act upon the
13 notice.

14 The Department of State Police shall have access to State
15 of Illinois databases containing information that may help in
16 the identification or location of persons convicted of the
17 offenses enumerated in this Section. Interagency agreements
18 shall be implemented, consistent with security and procedures
19 established by the State agency and consistent with the laws
20 governing the confidentiality of the information in the
21 databases. Information shall be used only for administration of
22 this Section.

23 (Source: P.A. 93-301, eff. 1-1-04.)

24 Section 10-160. The Illinois Human Rights Act is amended by
25 changing Section 4-101 as follows:

1 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

2 Sec. 4-101. Definitions. The following definitions are
3 applicable strictly in the context of this Article:

4 (A) Credit Card. "Credit card" has the meaning set forth in
5 Section 17-0.5 of the Criminal Code of 1961 ~~2.03 of the~~
6 ~~Illinois Credit Card and Debit Card Act.~~

7 (B) Financial Institution. "Financial institution" means
8 any bank, credit union, insurance company, mortgage banking
9 company or savings and loan association which operates or has a
10 place of business in this State.

11 (C) Loan. "Loan" includes, but is not limited to, the
12 providing of funds, for consideration, which are sought for:
13 (1) the purpose of purchasing, constructing, improving,
14 repairing, or maintaining a housing accommodation as that term
15 is defined in paragraph (C) of Section 3-101; or (2) any
16 commercial or industrial purposes.

17 (D) Varying Terms. "Varying the terms of a loan" includes,
18 but is not limited to, the following practices:

19 (1) Requiring a greater down payment than is usual for
20 the particular type of a loan involved.

21 (2) Requiring a shorter period of amortization than is
22 usual for the particular type of loan involved.

23 (3) Charging a higher interest rate than is usual for
24 the particular type of loan involved.

25 (4) An under appraisal of real estate or other item of

1 property offered as security.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 10-165. The Assumed Business Name Act is amended by
4 changing Section 4 as follows:

5 (805 ILCS 405/4) (from Ch. 96, par. 7)

6 Sec. 4. This Act shall in no way affect or apply to any
7 corporation, limited liability company, limited partnership,
8 or limited liability partnership duly organized under the laws
9 of this State, or any corporation, limited liability company,
10 limited partnership, or limited liability partnership
11 organized under the laws of any other State and lawfully doing
12 business in this State, nor shall this Act be deemed or
13 construed to prevent the lawful use of a partnership name or
14 designation, provided that such partnership shall include the
15 true, real name of such person or persons transacting said
16 business or partnership nor shall it be construed as in any way
17 affecting subdivision (a)(8) or subsection (c) of Section 17-2
18 ~~Sections 17-12 and 17-19~~ of the Criminal Code of 1961. This Act
19 shall in no way affect or apply to testamentary or other
20 express trusts where the business is carried on in the name of
21 the trust and such trust is created by will or other instrument
22 in writing under which title to the trust property is vested in
23 a designated trustee or trustees for the use and benefit of the
24 cestuis que trustent.

1 (Source: P.A. 96-328, eff. 8-11-09.)

2 Section 10-170. The Uniform Commercial Code is amended by
3 changing Section 3-505A as follows:

4 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

5 Sec. 3-505A. Provision of credit card number as a condition
6 of check cashing or acceptance prohibited.

7 (1) No person may record the number of a credit card given
8 as identification or given as proof of creditworthiness when
9 payment for goods or services is made by check or draft other
10 than a transaction in which the check or draft is issued in
11 payment of the credit card designated by the credit card
12 number.

13 (2) This Section shall not prohibit a person from
14 requesting a purchaser to display a credit card as indication
15 of creditworthiness and financial responsibility or as
16 additional identification, but the only information concerning
17 a credit card which may be recorded is the type of credit card
18 so displayed and the issuer of the credit card. This Section
19 shall not require acceptance of a check or draft whether or not
20 a credit card is presented.

21 (3) This Section shall not prohibit a person from
22 requesting or receiving a credit card number or expiration date
23 and recording the number or date, or both, in lieu of a deposit
24 to secure payment in the event of default, loss, damage, or

1 other occurrence.

2 (4) This Section shall not prohibit a person from recording
3 a credit card number and expiration date as a condition for
4 cashing or accepting a check or draft if that person, firm,
5 partnership or association has agreed with the card issuer to
6 cash or accept checks and share drafts from the issuer's
7 cardholders and the issuer guarantees cardholder checks and
8 drafts cashed or accepted by that person.

9 (5) Recording a credit card number in connection with a
10 sale of goods or services in which the purchaser pays by check
11 or draft, or in connection with the acceptance of a check or
12 draft, is a business offense with a fine not to exceed \$500.

13 As used in this Section, credit card has the meaning as
14 defined in Section 17-0.5 of the Criminal Code of 1961 ~~the~~
15 ~~Illinois Credit Card and Debit Card Act.~~

16 (Source: P.A. 87-382.)

17 Section 10-175. The Credit Card Issuance Act is amended by
18 changing Section 1 as follows:

19 (815 ILCS 140/1) (from Ch. 17, par. 6001)

20 Sec. 1. As used in this Act: (a) "Credit card" has the
21 meaning set forth in Section 17-0.5 of the Criminal Code of
22 1961 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, but
23 does not include "debit card" as defined in that Section ~~2.15~~
24 ~~of the Illinois Credit Card and Debit Card Act~~, which can also

1 be used to obtain money, goods, services and anything else of
2 value on credit, nor shall it include any negotiable instrument
3 as defined in the Uniform Commercial Code, as now or hereafter
4 amended; (b) "merchant credit card agreement" means a written
5 agreement between a seller of goods, services or both, and the
6 issuer of a credit card to any other party, pursuant to which
7 the seller is obligated to accept credit cards; and (c) "credit
8 card transaction" means a purchase and sale of goods, services
9 or both, in which a seller, pursuant to a merchant credit card
10 agreement, is obligated to accept a credit card and does accept
11 the credit card in connection with such purchase and sale.

12 (Source: P.A. 86-427; 86-952.)

13 Section 10-180. The Credit Card Liability Act is amended by
14 changing Section 1 as follows:

15 (815 ILCS 145/1) (from Ch. 17, par. 6101)

16 Sec. 1. (a) No person in whose name a credit card is issued
17 without his having requested or applied for the card or for the
18 extension of the credit or establishment of a charge account
19 which that card evidences is liable to the issuer of the card
20 for any purchases made or other amounts owing by a use of that
21 card from which he or a member of his family or household
22 derive no benefit unless he has indicated his acceptance of the
23 card by signing or using the card or by permitting or
24 authorizing use of the card by another. A mere failure to

1 destroy or return an unsolicited card is not such an
2 indication. As used in this Act, "credit card" has the meaning
3 ascribed to it in Section 17-0.5 of the Criminal Code of 1961
4 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, except
5 that it does not include a card issued by any telephone company
6 that is subject to supervision or regulation by the Illinois
7 Commerce Commission or other public authority.

8 (b) When an action is brought by an issuer against the
9 person named on the card, the burden of proving the request,
10 application, authorization, permission, use or benefit as set
11 forth in Section 1 hereof shall be upon plaintiff if put in
12 issue by defendant. In the event of judgment for defendant, the
13 court shall allow defendant a reasonable attorney's fee, to be
14 taxed as costs.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 Section 10-185. The Interest Act is amended by changing
17 Section 4.1 as follows:

18 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

19 Sec. 4.1. The term "revolving credit" means an arrangement,
20 including by means of a credit card as defined in Section
21 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~
22 ~~Card and Debit Card Act~~ between a lender and debtor pursuant to
23 which it is contemplated or provided that the lender may from
24 time to time make loans or advances to or for the account of

1 the debtor through the means of drafts, items, orders for the
2 payment of money, evidences of debt or similar written
3 instruments, whether or not negotiable, signed by the debtor or
4 by any person authorized or permitted so to do on behalf of the
5 debtor, which loans or advances are charged to an account in
6 respect of which account the lender is to render bills or
7 statements to the debtor at regular intervals (hereinafter
8 sometimes referred to as the "billing cycle") the amount of
9 which bills or statements is payable by and due from the debtor
10 on a specified date stated in such bill or statement or at the
11 debtor's option, may be payable by the debtor in installments.
12 A revolving credit arrangement which grants the debtor a line
13 of credit in excess of \$5,000 may include provisions granting
14 the lender a security interest in real property or in a
15 beneficial interest in a land trust to secure amounts of credit
16 extended by the lender. Credit extended or available under a
17 revolving credit plan operated in accordance with the Illinois
18 Financial Services Development Act shall be deemed to be
19 "revolving credit" as defined in this Section 4.1 but shall not
20 be subject to Sections 4.1a, 4.2 or 4.3 hereof.

21 Whenever a lender is granted a security interest in real
22 property or in a beneficial interest in a land trust, the
23 lender shall disclose the existence of such interest to the
24 borrower in compliance with the Federal Truth in Lending Act,
25 amendments thereto, and any regulations issued or which may be
26 issued thereunder, and shall agree to pay all expenses,

1 including recording fees and otherwise, to release any such
2 security interest of record whenever it no longer secures any
3 credit under a revolving credit arrangement. A lender shall not
4 be granted a security interest in any real property or in any
5 beneficial interest in a land trust under a revolving credit
6 arrangement, or if any such security interest exists, such
7 interest shall be released, if a borrower renders payment of
8 the total outstanding balance due under the revolving credit
9 arrangement and requests in writing to reduce the line of
10 credit below that amount for which a security interest in real
11 property or in a beneficial interest in a land trust may be
12 required by a lender. Any request by a borrower to release a
13 security interest under a revolving credit arrangement shall be
14 granted by the lender provided the borrower renders payment of
15 the total outstanding balance as required by this Section
16 before the security interest of record may be released.

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 Section 10-190. The Consumer Fraud and Deceptive Business
19 Practices Act is amended by changing Section 2NN as follows:

20 (815 ILCS 505/2NN)

21 Sec. 2NN. Receipts; credit card and debit card account
22 numbers.

23 (a) Definitions. As used in this Section:

24 "Cardholder" has the meaning ascribed to it in Section

1 ~~17-0.5 of the Criminal Code of 1961 2.02 of the Illinois Credit~~
2 ~~Card and Debit Card Act.~~

3 "Credit card" has the meaning ascribed to it in Section
4 ~~17-0.5 of the Criminal Code of 1961 2.03 of the Illinois Credit~~
5 ~~Card and Debit Card Act.~~

6 "Debit card" has the meaning ascribed to it in Section
7 ~~17-0.5 of the Criminal Code of 1961 2.15 of the Illinois Credit~~
8 ~~Card and Debit Card Act.~~

9 "Issuer" has the meaning ascribed to it in Section 17-0.5
10 ~~of the Criminal Code of 1961 2.08 of the Illinois Credit Card~~
11 ~~and Debit Card Act.~~

12 "Person" has the meaning ascribed to it in Section 17-0.5
13 ~~of the Criminal Code of 1961 2.09 of the Illinois Credit Card~~
14 ~~and Debit Card Act.~~

15 "Provider" means a person who furnishes money, goods,
16 services, or anything else of value upon presentation, whether
17 physically, in writing, verbally, electronically, or
18 otherwise, of a credit card or debit card by the cardholder, or
19 any agent or employee of that person.

20 (b) Except as otherwise provided in this Section, no
21 provider may print or otherwise produce or reproduce or permit
22 the printing or other production or reproduction of the
23 following: (i) any part of the credit card or debit card
24 account number, other than the last 4 digits or other
25 characters, (ii) the credit card or debit card expiration date
26 on any receipt provided or made available to the cardholder.

1 (c) This Section does not apply to a credit card or debit
2 card transaction in which the sole means available to the
3 provider of recording the credit card or debit card account
4 number is by handwriting or by imprint of the card.

5 (d) This Section does not apply to receipts issued for
6 transactions on the electronic benefits transfer card system in
7 accordance with 7 CFR 274.12(g) (3).

8 (e) A violation of this Section constitutes an unlawful
9 practice within the meaning of this Act.

10 (f) This Section is operative on January 1, 2005.

11 (Source: P.A. 95-331, eff. 8-21-07.)

12 Section 10-195. The Home Repair Fraud Act is amended by
13 changing Section 5 as follows:

14 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

15 Sec. 5. Aggravated Home Repair Fraud. A person commits the
16 offense of aggravated home repair fraud when he commits home
17 repair fraud:

18 (i) against an elderly ~~a person 60 years of age or~~
19 ~~older~~ or a ~~disabled~~ person with a disability as defined in
20 Section 17-56 ~~16-1.3~~ of the Criminal Code of 1961; or

21 (ii) in connection with a home repair project intended
22 to assist a disabled person.

23 (a) Aggravated violation of paragraphs (1) or (2) of
24 subsection (a) of Section 3 of this Act shall be a Class 2

1 felony when the amount of the contract or agreement is more
2 than \$500, a Class 3 felony when the amount of the contract or
3 agreement is \$500 or less, and a Class 2 felony for a second or
4 subsequent offense when the amount of the contract or agreement
5 is \$500 or less. If 2 or more contracts or agreements for home
6 repair exceed an aggregate amount of \$500 or more and such
7 contracts or agreements are entered into with the same victim
8 by one or more of the defendants as part of or in furtherance
9 of a common fraudulent scheme, design or intention, the
10 violation shall be a Class 2 felony.

11 (b) Aggravated violation of paragraph (3) of subsection (a)
12 of Section 3 of this Act shall be a Class 2 felony when the
13 amount of the contract or agreement is more than \$5,000 and a
14 Class 3 felony when the amount of the contract or agreement is
15 \$5,000 or less.

16 (c) Aggravated violation of paragraph (4) of subsection (a)
17 of Section 3 of this Act shall be a Class 3 felony when the
18 amount of the contract or agreement is more than \$500, a Class
19 4 felony when the amount of the contract or agreement is \$500
20 or less and a Class 3 felony for a second or subsequent offense
21 when the amount of the contract or agreement is \$500 or less.

22 (d) Aggravated violation of paragraphs (1) or (2) of
23 subsection (b) of Section 3 of this Act shall be a Class 3
24 felony.

25 (e) If a person commits aggravated home repair fraud, then
26 any State or local license or permit held by that person that

1 relates to the business of home repair may be appropriately
2 suspended or revoked by the issuing authority, commensurate
3 with the severity of the offense.

4 (f) A defense to aggravated home repair fraud does not
5 exist merely because the accused reasonably believed the victim
6 to be a person less than 60 years of age.

7 (Source: P.A. 96-1026, eff. 7-12-10.)

8 Article 95.

9 Section 9995. No acceleration or delay. Where this Act
10 makes changes in a statute that is represented in this Act by
11 text that is not yet or no longer in effect (for example, a
12 Section represented by multiple versions), the use of that text
13 does not accelerate or delay the taking effect of (i) the
14 changes made by this Act or (ii) provisions derived from any
15 other Public Act.

16 Article 99.

17 Section 9999. Effective date. This Act takes effect July 1,
18 2011.